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## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Commercial Feed Act2) Code Citation: 8 Ill. Adm. Code 2003) Section Numbers: Proposed Action:

200.10	Repealed
200.15	New Section
200.20	Repealed
200.25	New Section
200.30	Repealed
200.35	New Section
200.40	Repealed
200.45	New Section
200.50	Repealed
200.55	New Section
200.60	Repealed
200.65	New Section
200.70	Repealed
200.75	New Section
200.85	New Section
200.90	Repealed
200.95	New Section
200.100	Repealed
200.110	Repealed
200.120	New Section
200.130	New Section
200.140	New Section
200.150	New Section
200.160	New Section
200.170	New Section
200.200	New Section
200.210	New Section
200.220	New Section

4) Statutory Authority: Sections 2, 3, 4, 5, 6, 7, 8, and 10 of the Illinois Commercial Feed Act of 1961, (Ill. Rev. Stat. 1989, ch. 56 1/2, pars. 66.2, 66.3, 66.4, 66.5, 66.6, 66.7, 66.8, and 66.10, as amended by P.A. 87-664, effective January 1, 1992).

5) A Complete Description of the Subjects and Issues Involved: These rules are intended to implement the amended Illinois Commercial Feed Act of 1961. The proposed rules will replace those established prior to the Act being amended. The rules state who must obtain a firm license and identifies exempt buyers. Labeling requirements, conditions that the commercial feed shall meet in order not to be adulterated or misbranded, and inspection fees to be paid are stated in the rules.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

6) Will this proposed rule replace an emergency rule in effect?: No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this part? No10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing will be held at 10:00 a.m., on Monday, July 20, 1992, in the auditorium of the Illinois Department of Agriculture's Administration Building, Illinois State Fairgrounds, Springfield, Illinois, 62794-9281.

Persons unable to attend the public hearing may submit their written comments to the Director at the above address no later than July 20, 1992.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 8, 1992

B) Types of small businesses affected: Small businesses engaged in the manufacture or distribution of commercial feed products as defined in the Act.

C) Reporting, bookkeeping or other procedures required for compliance:

Persons distributing or manufacturing commercial feed must meet format and content requirements for labeling, obtain a firm license and pay inspection fees as required by the Act.

D) Types of professional skills necessary for compliance: Basic management, recordkeeping and bookkeeping

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER d: FEED

## PART 200

## COMMERCIAL FEED ACT

## SUBPART A: COMMERCIAL FEED (EXCEPT PET FOOD)

Section	
200.10	Brand and Product Names (Repealed)
200.15	Definition and Terms
200.20	Expression of Guarantees (Repealed)
200.25	Label Format
200.30	Definitions, Sampling and Analysis (Repealed)
200.35	Brand and Product Names
200.40	Ingredient Statement (Repealed)
200.45	Expression of Guarantees
200.50	Labeling (Repealed)
200.55	Ingredients
200.60	Minerals (Repealed)
200.65	Directions for Use and Precautionary Statements
200.70	Urea (Repealed)
200.75	Non-Protein Nitrogen
200.80	Artificial Color (Repealed)
200.85	Drug and Feed Additives
200.90	Registration of Commercial Feeds Containing Drugs, Artificial Color, Etc. (Repealed)
200.95	Adulterants
200.100	Weed Seeds in Concentrated Commercial Feeding Stuffs (Repealed)
200.110	Administrative Rules (Repealed)

## SUBPART B: PET FOOD

Section	
200.120	Definitions
200.130	Label Format and Labeling
200.140	Brand and Product Names
200.150	Expression of Guarantees
200.160	Ingredients
200.170	Drugs and Pet Food Additive

## SUBPART C: GENERAL REQUIREMENTS

Section	
200.200	Payment of Inspection Fee

## DEPARTMENT OF AGRICULTURE

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200.210 Firm License  
200.220 Administrative Rules

AUTHORITY: Authorized by and implementing the "Illinois Commercial Feed Act of 1961," (Ill. Rev. Stat. ~~1981~~ 1989, ch. 56 1/2, par. 66.1 et seq., as amended by P.A. 87-664, effective January 1, 1992).

SOURCE: Rules and Regulations Relating to the Illinois Commercial Feed Act, filed December 22, 1961, effective January 1, 1962; filed November 25, 1970, effective December 5, 1970; filed March 26, 1976, effective April 5, 1976; codified at 5 Ill. Reg. 10511; amended 6 Ill. Reg. 14804, effective November 18, 1982; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: COMMERCIAL FEED (EXCEPT PET FOOD)

## Section 200.10 Brand and Product Names (Repealed)

- a) ~~The brand or product name must not be misleading. If the name indicates the feed is made for a specific use the character of the feed must conform therewith. A mixture labeled "dairy feed", for example, must be suitable for that purpose.~~
- b) ~~A name of a non-medicated feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name.~~
- c) ~~The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in 8 Ill. Adm. Code Section 200-20(e).~~
- d) ~~The term "mineralized" shall not be used in the name of a feed except "Trace Mineralized Salt". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.~~

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## NOTICE OF PROPOSED AMENDMENTS

## Section 200.15 Definition and Terms

"AAFCO" means the Association of American Feed Control Officials which is adopted in Section 10 of the Act.

"Act" means the Illinois Commercial Feed Act of 1961 (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 66.1 et seq., as amended by P.A. 87-664, effective January 1, 1992).

"Commercial feed" means all materials, including customer formula feeds, which are distributed for use as feed, or labeled with a guaranteed analysis for use as feed, or for mixing in feed for birds or animals other than man (Section 3(d) of the Act).

The following commodities are hereby declared exempt from the definition of commercial feed under the provisions of Section 3(d) of the Act: hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed with other materials (Section 3(d) of the Act).

Individual chemical compounds and substances are hereby declared exempt from the definition of Commercial Feed under the provisions of Section 3(d) of the Act when it has been determined that these products meet the following criteria:

There is an adopted AAFCO definition for the product.

The product is either GRAS or is not covered by a specific FDA Regulation.

The product is either a natural occurring product of uniform chemical composition or is manufactured to meet the AAFCO definition of the product.

Additives which are intended to impart special desirable characteristics (e.g. cheese flavoring) shall be permitted.

No apparent problems have been noted with the control of this product.

Loose salt is exempt from the definition of commercial feed.

"FDA" means United States Food and Drug Administration.

"GRAS" means generally recognized as safe by the United States Food and Drug Administration.

## NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.20 Expression of Guarantees (Repealed)

~~a) The sliding-scale method of expressing guarantees (for example, "protein 15-18") is prohibited.~~

~~b) Drugs in commercial feeds shall be guaranteed in terms of percentage by weight except that antibiotics may be guaranteed in terms of grams per pound, or grams per ton of feeds, and/or both.~~

~~c) Vitamins, when quantitatively guaranteed, shall be expressed in milligrams per pound of feed, except that Vitamin A, other than precursors of Vitamin A, shall be stated in United States Pharmacopeia units; Vitamin D, in products offered for poultry feeding, in International Chick units; Vitamin D for other uses, in United States Pharmacopeia units; Vitamin E in a Vitamin E supplement in International Units per pound of feed.~~

~~d) Minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element.~~

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.25 Label Format

~~(a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this Section on the principal display panel of the product and in the following general format:~~

~~1) Net Weight (may be stated in metric units in addition to the required avoirdupois units).~~

~~2) Product name and brand name, if any.~~

~~3) If a drug is used:~~

~~A) The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.~~



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- B) The purpose of the medication (claim statement).
- C) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Section 200.45(d).
- 4) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Sections 200.65 and 200.75 appear elsewhere on the label.
- 5) The guaranteed analysis of the commercial feed which shall include the following items, unless exempted in Subsection J of this Section, and they shall appear in the order as listed:
- A) Minimum percentage of crude protein.
- B) Maximum or minimum percentage of equivalent protein from non-protein nitrogen as required in Section 200.45(e).
- C) Minimum percentage of crude fat.
- D) Maximum percentage of crude fiber.
- E) Minerals in commercial feeds shall be listed in the following order:
- i) minimum and maximum percentages of calcium.
- ii) minimum percentage of phosphorus.
- iii) minimum and maximum percentages of salt, and
- iv) maximum or minimum percentages of other minerals.
- F) Minerals in feed ingredients shall be those as specified by the official definitions of the Association of American Feed Control Officials which is adopted in Section 10 of the Act.

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- G) Vitamins in such terms as specified in Section 200.45(c).
- H) Total percentages of sugars as invert on dried molasses products or products being sold primarily for their sugar content.
- I) Viable lactic acid producing microorganisms for use in silages in terms specified in Section 200.45(g).
- J) Exemptions:
- i) A mineral guarantee is not required when the feed or feed ingredient is not represented as or does not serve as a principal source of that mineral to the animal or where the commercial feed contains less than 6.5% calcium, phosphorous or salt.
- ii) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
- iii) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances relating to the primary purpose of the product, e.g. such as drug premixes, mineral or vitamin supplements, and molasses.
- iv) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances relating to the primary purpose of the product, and no specific label claims are made.
- 6) Feed ingredients or collective terms for the grouping of feed ingredients as required by Section 5(a)(4) of the Act.
- A) The common or usual name of each ingredient as defined in the Official Publication of the



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Association of American Feed Control Officials, which is adopted in Section 10 of the Act.

- B) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials may be used in lieu of the individual ingredients provided that:

- i) when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label; and
- ii) the manufacturer shall provide the Director, upon request, with a list of individual ingredients, within a defined group, that are or have been used in the commercial feed.

- 7) Name and principal mailing address of the manufacturer or person responsible for distributing the commercial feed. The principal mailing address shall include the city, state, and zip code.

- 8) The information required by Section 5(a)(1) through (5) of the Act shall appear in its entirety on one side of the label. The information required by Section 5(a)(6) and (7) of the Act shall be displayed in a prominent place on the label but not necessarily on the same side as the information required by Section 5(a)(1) through (5). When the information required by Section 5(a)(6) and (7) of the Act is placed on a different side of the label, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by Section 5 of the Act shall be subordinated or obscured by other statements or designs.

- b) Customer-formula feed shall be accompanied by a label, invoice, delivery ticket, or other shipping document bearing the following information:

- 1) The name and address of the manufacturer.

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- 2) The name and address of the purchaser.
- 3) The date of sale or delivery.
- 4) The customer-formula product name and brand name, if any.
- 5) The product name and net weight of each registered commercial feed and each other feed ingredient used in the mixture.
- 6) The directions for use and precautionary statements as required by Sections 200.65 and 200.75.
- 7) If a product containing a drug is used:

A) The purpose of the medication (claim statement).

B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Section 200.45(d).

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 200.30 Definitions, Sampling and Analysis (Repealed)

~~The names and definitions for commercial feeds shall be those adopted by the Association of American Feed Control Officials (adopted by the Department this 1st day of August, 1982), and the methods of sampling and analysis shall be the official methods of the Association of Official Agricultural Chemists (adopted by the Department this 1st day of August, 1982). In the case of Carbofeed and Diethylstilbestrol (DES), the procedure to be used by the Department for making determinations concerning these chemicals will be the procedure developed by and recommended by the Pfizer Medical Research Laboratories, Groton, Connecticut (adopted by the Department this 1st day of August, 1982). A copy of this procedure will be on file in the Department as an addendum to the official A-O-A-C procedure.~~

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 200.35 Brand and Product Names



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a) The brand or product name shall be appropriate for the intended use of the feed and shall not be misleading. If the name indicates the commercial feed is made for a specific use, the character of the feed shall conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings. Brand or trade names shall only appear in the product name of the feed produced by or for the firm holding the rights to such a name.

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and the name shall not be one representing any components of a mixture, unless all components are included in the name: Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of a commercial feed that contains added non-protein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein, or equivalent protein content only, or both, even though it may not explicitly modify the percentage with the word "protein": Provided, that other percentage values may be permitted if they are followed by the identifying description. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(f) A single ingredient feed shall have a product name in accordance with the designated definition of the feed ingredient as recognized by the Association of American Feed Control Officials as adopted in Section 10 of the Act.

(g) The word "vitamin," a contraction thereof, or any word suggesting vitamin can be used only in the name of a

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commercial feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Section 200.45(c).

(h) The term "mineralized" shall not be used in the name of a commercial feed except for "trace mineralized salt". Trace mineralized salt shall contain amounts of trace minerals which are essential for animal nutrition.

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived, unless the meat and meat by-products are from cattle, swine, sheep or goats.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.40 Ingredient Statement (Repealed)

a) Each ingredient and/or the appropriate collective term must be specifically named. The names and definitions adopted by the Association of American Feed Control Officials are to be used as the common or usual names.

b) When water is added in the preparation of canned foods for animals, water must be listed as an ingredient.

c) The term "dehydrated" may precede the name of any product that has been artificially dried.

d) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

e) Pursuant to Section 5(a)(4) of the law, alternative listing of ingredients within the following groups may be shown on the registration only:

- 1) Corn, hominy feed, wheat, barley, oats and grain sorghums.
- 2) Cottonseed meal, soybean meal, peanut meal and linseed oil meal.
- 3) Beet molasses, corn sugar molasses, citrus molasses and cane molasses.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 200.45 Expression of Guarantees

a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees, when required by Section 200.25(a)(5) and subsection(f) of this Section, shall be in terms of percentage.

b) Commercial feeds containing 6.5% or more Calcium, Phosphorus, Sodium and Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentages of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the elements.

1) When a calcium or salt guarantee is given in the guaranteed analysis, guarantee shall be stated and conform to the following:

A) When the minimum guarantee is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

B) When the minimum guarantee is above 5.0%, the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

2) When required by Section 200.25(a)(i), guarantees for minimum potassium, magnesium, sulfur and maximum fluorine shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

c) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in milligrams per pound (mg/lb) unless otherwise specified:

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1) Vitamin A, other than precursors of vitamin A, in International Units per pound.

2) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

3) Vitamin D for other uses, in International Units per pound.

4) Vitamin E, in International Units per pound.

5) Concentrated oils and feed additive premixes containing vitamins A, D or E may, at the option of the distributor, be stated in units per gram instead of units per pound.

6) Vitamin B-12, in milligrams or micrograms per pound.

7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

d) Guarantees for drugs shall be stated in terms of percent by weight, except:

1) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed, shall be stated in grams per ton.

2) Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound.

3) Commercial feeds containing growth promotion or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to have quantitative guarantees on the label, except as specifically required in the Federal Food Additive Regulations as adopted in Section 10 of the Act.

4) The term "milligrams per pound" may be used for drugs or antibiotics in cases where a dosage is given in "milligrams" in the feeding directions.



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- e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

## 1) For ruminants:

- A) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, (insert number) %  
(This includes not more than (insert number) % equivalent protein from non-protein nitrogen).

- B) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, (insert number) %

- C) Ingredient sources of non-protein nitrogen such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, (insert number) %  
Equivalent Crude Protein from Non-Protein Nitrogen, minimum, (insert number) %

## 2) For non-ruminants:

- A) Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum, (insert number) %  
(This includes not more than (insert number) % equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended)).

- B) Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, shall

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contain directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label".

- f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

- g) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.50 Labeling (Repealed)

- a) ~~The information required in Section 5(a) of the Commercial Feed Act must appear in its entirety on one side of a label or on one side of the container; this information shall not be subordinated or obscured by other statements and designs.~~

- b) ~~The names of all ingredients must be shown in letters of type of the same size.~~

- c) ~~The use of second hand bags is prohibited unless the original stenciling is blocked out or the bag is turned inside out.~~

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.55 Ingredients

- a) The name of each ingredient or collective term for the grouping of ingredients, when required by Section 200.25 to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of



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the Act.

- b) The name of each ingredient shall be shown in letters or type of the same size.
- c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- d) The term "dehydrated" may precede the name of any product that has been artificially dried.
- e) A single ingredient product defined by the Association of American Feed Control Officials, which is adopted in Section 10 of the Act, is not required to have an ingredient statement.
- f) Tentative definitions for ingredients shall not be used until adopted as official by the Association of American Feed Control Officials, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g. sugar).
- g) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.60 Minerals (Repealed)

- a) When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007% iodine, uniformly distributed.
- b) Mineral phosphate materials for feeding purposes shall be labeled with a guarantee for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, and the maximum percentage of fluorine.
- c) The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30 per cent for cattle, 0.35 per cent for sheep, 0.45 per cent for swine, and 0.60 per cent for poultry.
- d) Soft phosphate, rock phosphates or other fluorine-bearing ingredients may be used only in such amounts that they

will not raise the fluorine concentration of the total (grain) ration above the following amounts: 0.009 per cent for cattle, 0.01 per cent for sheep, 0.014 per cent for swine, and 0.035 per cent for poultry.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.65 Directions for Use and Precautionary Statements

- a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feed containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:
  - 1) be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,
  - 2) include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act as adopted in Section 10 of the Act.

- b) Directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Section 200.75.

- c) Directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.70 Urea (Repealed)

- a) Urea and ammonium salts of carbonic and phosphoric acids are acceptable ingredients in proprietary cattle, sheep and goat feeds only; these materials shall be considered adulterants in proprietary feeds for other animals and birds; the maximum percentage of equivalent protein from non-protein nitrogen must appear immediately below crude protein in the chemical guarantee, and the name of the



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~~substance supplying the non-protein nitrogen must appear in the ingredient list, if feed contains more than 3 per cent of urea, or if the equivalent protein contributed by urea exceeds one-third of the total crude protein, the label shall bear~~

- ~~1) a statement of proper usage and~~
- ~~2) the following statement in type of such conspicuously as to render it likely to be read and understood by ordinary individuals under customary conditions of purchase and use:~~

~~A. "WARNING: This feed should be used only in accordance with directions furnished on the label."~~

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 200.75 Non-Protein Nitrogen

a) Urea and other non-protein nitrogen products as defined in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act, are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear directions for the safe use of feeds and a precautionary statement: "caution: use as directed." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

b) Non-protein nitrogen as defined in the Official Publication of the Association of American Feed Control Officials, which is adopted in Section 10 of the Act, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant

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rations shall not exceed 1.25% of the total daily ration.

- c) On labels such as those for medicated feeds which bear feeding directions or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 200.85 Drug and Feed Additives

a) Prior to approval of registration application or approval of a label for commercial feed which contain an additive (including drugs, other special purpose additives, or non-nutritive additives), the distributor shall be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

b) Satisfactory evidence of safety and efficacy of a commercial feed shall be:

- 1) when the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned", "informal review sanctioned" or "generally recognized as safe" for such use by the FDA, or
- 2) when the commercial feed is itself a drug as defined in Section 3(q) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b), or
- 3) when one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or



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- 4) when the commercial feed is a direct fed microbial product and:

- A) The product meets the particular fermentation product definition;
- B) The microbial content statement, as expressed on the label, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms."
- C) The source is stated with a corresponding guarantee expressed in accordance with Section 200.45(g).

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 200.90 Registration of Commercial Feeds Containing Drugs, Artificial Color, Etc. (Repealed)

Before a registration is accepted for a commercial feed which contains drugs, artificial colorings or other ingredients which may be harmful to animals, the distributor shall submit a copy of the Federal Food and Drug Administration approval of such feed for such purpose. No material shall be used to enhance the natural color of a feed or feed ingredient whereby inferiority would be concealed.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 200.95 Adulterants

- a) For the purpose of Section 7(a)(1) of the Act, the terms "poisonous or deleterious substances" include, but are not limited, to the following:

- 1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.4% for swine; and 0.60% for poultry.

- 2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the

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following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.

- 3) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amount of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.

- 4) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinate solvents.

- 5) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are reported to be a source of vitamin B1 (Thiamine).

- b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no viable prohibited weed seeds, not more than 4 viable restricted weed seeds per pound, and not more than 50 per pound of other weed seed. Prohibited and restricted weed seeds shall be those listed in 8 Ill. Adm. Code 230.20 and 230.30 of the rules adopted for the Illinois Seed Act.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 200.100 Weed Seeds in Concentrated Commercial Feeding Stuff (Repealed)

No person shall sell or offer for sale in this State any concentrated commercial feeding stuffs for feeding which contain in excess of three per cent by weight of weed seeds and all such weed seeds contained in any such feeding stuffs shall be processed or treated in such manner as to render them incapable of germination. Weed seeds are defined in the Illinois Seed Law (Ill. Rev. Stat. 1981, ch. 5, para. 402.36) and are listed in the rules promulgated under the Illinois Seed Law (8 Ill. Adm. Code 230.20 and 230.30).



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(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.110 Administrative Rules (Repealed)

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative proceedings, administrative hearing, contested cases, petitions, declaratory rulings and public disclosure of files.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PET FOOD

## Section 200.120 Definitions

The definitions that appear in Section 200.15 shall apply to the provisions of this Subpart. In addition, the following terms are defined for the purposes of this Subpart:

"Principal Display Panel" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale as prescribed in 21 CFR 501.1 (1992).

"Ingredient Statements" means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

"Immediate Container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

"Information Panel" means that part of the label immediately contiguous and to the right of the principal display panel as prescribed in 21 CFR 501.2 (1992).

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

## Section 200.130 Label Format and Labeling

- a) The statement of net content and product name shall be shown on the principal display panel. All other required

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information may be placed elsewhere on the label but shall be conspicuous as to render it easily read under ordinary conditions of purchase and sale.

- b) The declaration of the net content shall be made in conformity with the Illinois Weights and Measures Act (Ill. Rev. Stat. 1989, ch. 147, par. 101 et seq.).

- c) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:

- 1) Crude protein (Minimum Percent)
- 2) Crude fat (Minimum Percent)
- 3) Crude fiber (Maximum Percent)
- 4) Moisture (Maximum Percent)
- 5) Additional guarantees, if any, shall follow moisture.

- d) The label of a pet food shall specify the name and address of the manufacturer, packer or distributor of the pet food.

- e) If a person manufactures, packages, or distributes a pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

- f) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

- g) The use of the word "proven" in connection with label claims for a pet food is not permitted unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

- h) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.



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1) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

2) When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information shall appear on such outside container or wrapper.

3) The words "Dog Food", "Cat Food", or similar designations shall appear conspicuously upon the principal display panel of the pet food label.

4) The label of a pet food shall not contain an unqualified representation or claim that the pet food is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product:

1) contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat which have been determined by the AAFCO Pet Food Nutrient Profile, as adopted in Section 10 of the Act; or

2) contains a combination of ingredients which when fed to a normal animal as the only source of nourishment shall provide for fertility, gestation and lactation of females, normal growth from weaning to maturity without supplemental feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities demonstrated by testing.

m) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations (e.g. "complete food for puppies") stating that the product meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only if:

1) Such representations and the required qualification shall appear on the same panel and in the same size, style and color print; and

2) The pet food contains:

A) ingredients in quantities sufficient to

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satisfy the estimated nutrient requirements as determined by AAFCO and adopted in Section 10 of the Act; or

B) a combination of ingredients which when fed for such limited purpose shall satisfy the nutrient requirements for such limited purpose and has had its capabilities demonstrated by testing.

n) Except as specified by Section 200.140(a), the name of any ingredient which appears on the label, other than in the product name, shall not be given emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, shall constitute at least 3% of the total ingredients (exclusive of water sufficient for processing) when preceded by the designation "with" or like term, and shall be in the same size, style and color print. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

o) The label of a dog or cat food, other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under Section 200.130(k) shall bear, on either the principal display panel or the information panel in type of the same size as the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:

1) A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy (i.e. gestation, lactation, growth, maintenance, and complete for all life stages) in accordance with Subsection 1(a)(m) of this Section.

2) A nutrition or dietary claim for purposes other than those listed in Section 200.130(1) and (m) if the claim is scientifically substantiated.

3) The statement: "this product is intended for intermittent or supplemental feeding only," if a product does not meet either the



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requirements of Section 200.130(1) and (m) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

- 4) The statement: "Use only as directed by your veterinarian", if it is a pet food product intended for use by, or under the supervision or direction of a veterinarian and shall make a statement in accordance with subsections (c)1 or (c)3.

p) The use of claims on pet food labels stating improvement or newness shall be substantiated by the manufacturer and limited to six months production. The use of claims stating preference or comparative attribute claims shall be substantiated by the manufacturer and limited to one (1) year production after which the claim must be removed or resubstantiated.

q) Dog and cat foods labeled as complete and balanced for any or all life's stages as provided in Section 200.130(c)(1), except those pet foods labeled in accordance with Section 200.130(o)(4), shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum state "Feed (weight/unit of product) per (weight unit) of dog (or cat)".

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 200.140 Brand and Product Names

a) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by test methods, as adopted in Section 9 of the Act. Any flavor designation on a pet food label shall either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them, shall upon written request, supply verification of the designated or claimed

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flavor to the Director.

b) The designation "100%" or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

c) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep or goats. For example, "horsemeat" and "horsemeat by-products."

d) The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by Section 200.140(a), (e), or (f); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

- 1) the ingredient or combination of ingredients is present in a quantity to impart a distinctive characteristic to the product;
- 2) it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or
- 3) it is not otherwise false or misleading.

e) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print. Water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70% of the total product.

f) When an ingredient or a combination of ingredients



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constitutes at least 25% but less than 95% of the total weight of all ingredients of a dog or cat food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food if each of the ingredients constitute at least 3% of the product weight excluding water used for processing and only if the product name also includes a primary descriptive term such as "dinner", "platter", or similar descriptive term that the product name describes the contents of the product so that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10% of the total product.

- g) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with Section 200.140(a), (d), (e), or (f).

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 200.150 Expression of Guarantees

- a) The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.
- b) Pursuant to Section 5(a) 3 of the Act, the label of a pet food which is formulated as and represented to be a mineral supplement, shall include in the guaranteed analysis the minimum and maximum percentages of calcium, the minimum percentage of phosphorus and the minimum and maximum percentages of salt. The minimum content of all other essential nutrient elements recognized by the AAFCO Dog or Cat Food Nutrient Profile, as adopted in Section 10 of the Act, from sources declared in the ingredient statement shall be expressed as the element in units specified in the recognized nutrient profile.

- c) The label of pet food which is formulated as and represented to be a vitamin supplement shall include a

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guarantee of the minimum content of each vitamin declared in the ingredient statement.

- d) Vitamins guaranteed on pet foods shall be stated in International Units per kilogram (IU/kg) for vitamins A, D, and E. All other vitamins shall be stated in milligrams per kilogram (mg/kg) except vitamin B12 which may be guaranteed in micrograms per kilogram (mcg/kg).
- e) The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in International Units (IU) per kilogram of weight for vitamins A, D, and E. All other vitamins may be guaranteed in milligrams per kilogram of weight (mg/kg) except vitamin B12 which may be guaranteed in micrograms per kilogram (mcg/kg).

- f) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels determined by the AAFCO, as adopted in Section 10 of the Act. The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

- g) The use of percentages or words of similar import when referring to nutrient levels established by the AAFCO Pet Food Nutrient Profile, as adopted in Section 10 of the Act, shall not be permitted on pet food labels, except that such direct comparisons in whole or part of the individual nutrient contents of a pet food with those recommended by the recognized nutrient profile may be made where the comparisons are expressed in the same quantitative units as those used by the cited nutrient profile and,

- 1) the product in question meets the nutrient profile determined by AAFCO, and
- 2) the comparison is preceded by a statement to that effect.

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



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Section 200.160 Ingredients

a) The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78.00%.

b) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the statement shall be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms shall be misleading. Any ingredient for which the AAFCO has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

c) The term "dehydrated" may precede the name of any ingredient in the ingredient list that has been artificially dried.

d) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

e) No reference to the quality, nature, form, or other attribute of an ingredient shall be made unless such designation is accurate.

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 200.170 Drugs and Pet Food Additive

a) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations, as adopted in Section 10 of the Act, as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such

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regulations, harmless to pets.

b) Prior to approval of a registration application or approval of a label for pet food which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the distributor shall submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

1) when the pet food contains such additives, the use of which conforms to the requirements of the applicable regulations in the 21 CFR, or which are "prior sanctioned" or "Generally Recognized as Safe" for such use, or

2) when the pet food itself is a drug as defined in Section 3(g) of the Act and is generally recognized as safe and effective or is marketed subject to an application approved by the Food and Drug Administration under 21, U.S.C. 360(b).

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART C: GENERAL REQUIREMENTSSection 200.200 Payment of Inspection Fee

The inspection fee as set forth in Section 6 of the Act is to be paid on all registered commercial feed shipped into Illinois or distributed in Illinois by the person who first distributes the commercial feed, except the inspection fee is not required on the first distribution if made to exempt buyers who shall become responsible for the fee. Any person may request "exempt buyer" status from the Director by providing business information which indicates the person does 50% or more business as an interstate distributor or central buyer. The Director shall grant exempt buyer status to persons doing 50% or more business as interstate distributors or central buyers. A list of "exempted buyers may be obtained from the Director."

Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 200.210 Firm License



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Any person who manufactures feed in this State or whose name appears on the label shall register on forms furnished by the Department. The following information is required: the complete firm name, complete address of home office, phone number, and list of any and all additional facilities giving complete address of same which are operated under the same firm name and are registered under one firm license in the State of Illinois. A facility operating under a name different from the home office is required to obtain a separate firm license.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 200.220 Administrative Rules

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1-1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative proceedings, administrative hearings, contested cases, petitions, and public disclosure of files.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Industrial Training Program2) Code Citation: 56 Ill. Adm. Code 26503) Section Numbers:

2650.10	<u>Proposed Action:</u>
2650.20	Amendment
2650.30	Amendment
2650.40	Amendment
2650.310	New Section
2650.320	New Section
2650.330	New Section
2650.340	New Section
2650.350	New Section

4) Statutory Authority: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.19a(1), as amended by P.A. 87-170, effective August 26, 1991 and 46.42).5) A Complete Description of the Subjects and Issues Involved: In Public Act 87-0170, the Industrial Training Program was expanded to permit the department to award grants to assist with the common training needs of multiple companies. These amendments describe this new category of eligible applicants, the eligible training activities, the application procedures, documentation and evaluation, as well as selection criteria and reporting requirements.6) Will these proposed amendments replace an emergency amendment currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Do these proposed amendments contain incorporations by reference? No.9) Are there any proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Norman Sims, Deputy Director  
Department of Commerce and Community Affairs  
Office of Policy Development, Planning & Research



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

620 East Adams Street, 3rd floor  
Springfield, Illinois 62701  
(217) 524-4845

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 8, 1992.
- B) Types of small businesses and small municipalities affected:  
These amendments will not affect municipalities. The amendments offer training assistance opportunities to interested manufacturing businesses, both small and large.
- C) Reporting, bookkeeping or other procedures required for compliance:  
Monthly reimbursement reports must be filed with the Department. Project Summary and evaluation reports may be required. Bookkeeping is required in accordance with generally accepted accounting practices.
- D) Types of professional skills necessary for compliance:  
Applicants would already possess the necessary skills for compliance.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2650  
INDUSTRIAL TRAINING PROGRAM

## SUBPART A: GENERAL REQUIREMENTS

Section	Purpose
2650.10	Definitions
2650.20	Eligible Applicants
2650.30	Allowable Costs
2650.40	Grant Administration Requirements
2650.50	Nondiscrimination
2650.60	Selection for Funding (Recodified)
2650.70	Allowable Costs (Recodified)
2650.80	Grant Administration Requirements (Recodified)
2650.90	Nondiscrimination (Recodified)
2650.100	

## SUBPART B: INDUSTRIAL FIRMS AND MAJOR EMPLOYER APPLICANTS

Section	
2650.110	Application Procedures
2650.120	Application Documentation
2650.130	Application Evaluation
2650.140	Selection for Funding

## SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS

Section	
2650.210	Application Procedures
2650.220	Application Documentation
2650.230	Application Evaluation
2650.240	Selection for Funding
2650.250	Reporting Requirements

## SUBPART D: MULTI-COMPANY MANUFACTURING PROJECT APPLICANTS

Section	
2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding
2650.350	Administrative Requirements

AUTHORITY: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.19a(1), as amended by P.A. 87-170, effective August 26, 1991 and



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46.42).

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL REQUIREMENTS

## Section 2650.10 Purpose

Through the Illinois Industrial Training Program (Program), the Department of Commerce and Community Affairs (Department) will provide training grants to for-profit businesses operating or locating in Illinois in conjunction with planned permanent expansion, location or retention activities; to multi-company manufacturing training projects sponsored by manufacturing associations, institutions of secondary and higher education, strategic manufacturing partnerships, consultants and grant recipients or administrative entities under the Job Training Partnership Act; and to institutions of higher or secondary education to encourage the creation of new enterprise development and new business formation. The Department may also rent, purchase, or lease such equipment or machinery necessary to equip such job-training programs or make grants to any higher or secondary education institution for such purposes. The purpose of the Program is to enhance employment opportunities for Illinois citizens by assisting Illinois employers in the training of their workforce, to assist multi-company manufacturing projects in addressing common training needs identified by participating companies, and to facilitate self-employment by encouragement and preparation through comprehensive, instructional programs and services.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 2650.20 Definitions

Director - The Director of the Department of Commerce and Community Affairs.

Employee Training - Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer, which are intended to provide employees with the skills required to perform their current job or as a condition of employment. The employee skill requirements are established by the employer and may include basic, technical and managerial skills.

Grantee - Any program applicant whose proposal is funded by the Department through a grant.

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Location Activities - Activities necessary to place or attract new companies to Illinois (e.g., training).

Manufacturing Concern - Any plant, factory, or business that produces a manufactured product.

Multi-Company Manufacturing Project - Any project submitted for the benefit of more than two manufacturing companies which addresses the common employee training, retraining or skills upgrading needs identified by participating companies.

New Employee - An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

Planned Permanent Expansion - Any of the following will apply:

Permanent increase in the workforce (no minimum number of new jobs required);

Addition of new product line or expansion of existing product line; or

New capital investment in machinery or equipment.

Retention Activities - Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining, upgrading, cross-training).

Retraining - The training of an employee with the intent that the employee will learn to perform a different type of job than was previously held by that employee.

Self-Employment Training Program - Either a structured long-term, in-depth counseling assistance program, or a competency based business management training program in which demonstrated proficiency and ability to complete a business and financing plan is a prerequisite to successful completion.

Strategic Manufacturing Partnership - A formal partnership with a legally binding partnership agreement between more than two manufacturers with facilities in Illinois, or a temporary, informal agreement between more than two manufacturers with facilities in Illinois, where the purpose or an objective of the partnership is to address employee training or other common workforce development issues among the participating companies. The employee training activities of informal strategic manufacturing partnerships may be coordinated and sponsored by a



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large manufacturing company with facilities in Illinois if that large manufacturing company is an active member of the partnership and the training activities address the common training needs of the other manufacturing companies participating in the partnership.

Upgrade Training - The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2650.30 Eligible Applicants

a) Any manufacturing concern locating or established in Illinois that meets any one or more of the following criteria:

- 1) Permanent expansion of its workforce;
- 2) Upgrading or retraining its workforce in response to changes in the technology of the manufacturing process (i.e. retooling);
- 3) New or additional product lines; or
- 4) Engaged in activities designed to increase the quality and/or reduce the cost of manufactured products (e.g., just-in-time inventory systems, blueprint reading, statistical process control, and material resource planning).

b) The Director will also accept applications from any other Illinois employer that is:

- 1) expanding its workforce by at least 100 full-time employees and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants) which jeopardize existing jobs and negate the purpose of the training funds;
- 2) making a capital investment in Illinois of at least \$1,000,000 dollars and the company will not directly compete with other local businesses which offer products or services of a similar nature (e.g., grocery stores, restaurants) which jeopardize existing jobs and negate the purpose of the training funds; or
- 3) engaged in activities designed to establish or expand export markets (e.g., research, consulting, mentor

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programs, seminars, redesign of products). These activities may include multi-company or industry specific projects.

c) The Director also will accept applications submitted by Illinois-based manufacturing associations, institutions of secondary and higher education, strategic manufacturing partnerships, consultants and grant recipients or administrative entities under the Job Training Partnership Act on behalf of multi-company manufacturing projects where such projects address the common training needs identified by participating companies.

d) e) Public or proprietary institutions of higher or secondary education may also apply for training funds for the following purposes:

- 1) To establish self-employment training programs targeted to assist unemployed or underemployed individuals in underdeveloped areas, especially within enterprise zones, to encourage and prepare clients to create new enterprise development and new business formation.
- 2) To rent, purchase, or lease the machinery or equipment necessary to equip such training programs as described in subsection (a), where the institution will receive a cash match from a company which has need for the training in an amount that is at a minimum equal to the training funds requested.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2650.40 Allowable Costs

a) Grants for employee training will consist of the payment of up to 66 2/3% of wage and fringe benefits for a specified training time for each employee and/or job classification. The grants also allow for up to 66 2/3% of costs such as instructors/trainers salaries and fringe benefits, travel expenses, training materials, and administrative expenses such as the cost of secretarial bookkeeping costs.

b) Grants to eligible applicants for multi-company manufacturing projects for common training needs will consist of the payment of up to 66 2/3% of the approved training costs for a specified training time for each employee and/or job classification of the employees participating in the training project.

c) b) Grants to eligible applicants providing self-employment training programs to unemployed and underemployed shall have a state's



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contribution limit of 66 2/3% of the costs of the approved program, except in those programs where at least 50% of the program participants are unemployed, handicapped, or receiving state welfare assistance in which case the state's contribution may be greater than 66 2/3% but not more than 100%.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: MULTI-COMPANY MANUFACTURING PROJECT APPLICANTS

## Section 2650.310 Application Procedures

Applications will be accepted at any time. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application. The applicant and any companies participating in the project shall not procure, contract for or incur costs for services or supplies prior to the signing of a written contract. The contents of an approved application shall become part of the contract awarded to the applicant. All data, material and documentation originated by an application and prepared for an application or contract shall belong exclusively to the State of Illinois and the Department. The Department shall supply interested businesses, associations, colleges, partnerships, consultants, administrative entities or other organizations with an application upon request. Applications for grant funds shall be submitted to the Department on forms provided by the Department along with any necessary attachments which may be required.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2650.320 Application Documentation

Applications shall include documentation of the following:

- a) A biography of the individual or a history of the organization submitting the application, including any related experience in coordinating, conducting or sponsoring training programs for businesses.
- b) A company profile for each of the participating companies, including how long they have been in business, a description of the products manufactured and the current number of employees.
- c) A description of any new capital investment made by the participating companies and if it relates to the proposed training program.
- d) The need for the training by participating companies.

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e) The type of training being requested (e.g., classroom, on-the-job training).

f) The objectives of the training.

g) Where the training will be conducted.

h) Who will provide the training.

i) The expected outcomes or benefits of the training program and a description of how these benefits will be measured and tracked.

j) A training outline which provides a descriptive picture of each training module and the requirements for selection to enter training.

k) A program timetable which includes, by training module, the number of employees entering training by month and the duration of the training.

l) Training program data by training module, the number of employees in training, the proposed number of hours of training requested for each trainee and the average wage rates of the trainees.

m) A project budget summary listing administration, trainee and instructor costs. The budget summary shall contain the total training costs, the local/company share, other sources of training assistance and the amount requested from the Industrial Training Program.

n) A budget narrative detailing how each line item in the budget summary was obtained and how the costs of each line item will be tracked and documented.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2650.330 Application Evaluation

The Department shall screen all applications to determine if all requirements of the application package have been addressed. Complete applications shall be reviewed and evaluated comparatively by Department staff. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission. This review and evaluation process will be completed within 75 working days of receipt of all required information. Department staff shall conduct a technical and programmatic evaluation of each application.

a) Technical/Programmatic Evaluation Component -- Each application shall be reviewed to assure compliance with technical program



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requirements as detailed in Section 2650.30.

- b) Application Evaluation -- Those applications determined eligible for funding based on the evaluation process described in subsection (a) shall be evaluated according to the following criteria:

- 1) Project readiness (e.g., time schedule for project initiation);
- 2) The number of participating companies and employees of participating companies who will receive training;
- 3) The cost effectiveness of the training (e.g., cost per trainee);
- 4) New capital investment by participating companies.
- 5) How closely the training is related to the manufacturing process and the transferability of the skills obtained from the training;
- 6) Other significant benefits or impact (e.g., project is for high technology, quality and/or productivity improvements or export oriented);
- 7) Level of performance by applicant organization and/or participating employers under previous Industrial Training Program grant awards;
- 8) Evaluation measures utilized to determine the effectiveness of the training.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2650.340 Selection for Funding

- a) Quarterly allocations of funds shall be established by the Department each fiscal year. Grant awards shall be made on a monthly basis within the parameters of the quarterly allocations.
- b) Those projects which are not funded solely due to a lack of available funds shall be considered eligible for funding during the next quarter, unless the applicant organization and/or the participating employers request otherwise. Such applications shall receive no preferential treatment and shall be comparatively evaluated against all applications being considered for funding during the quarter. Should the Department once again lack funds to support the project, the application shall be

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denied.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
Section 2650.350 Administrative Requirements

- a) Reporting Requirements -- To receive reimbursement for training costs which have been incurred by a grantee and in accordance with the Scope of Work and Budget contained in the grant contract with the Department, the grantee shall furnish evidence to the Department of having completed training by following a monthly certification schedule. This certification shall be filed on forms provided to the grantee by the Department. Payments to the grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department on the 15th calendar day of each month, consisting of an analysis of major project components activities; a listing of clients served, if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.

- b) Grant Modifications -- If either the Department or the grantee desires to modify the terms of the grant contract, written notice of the proposed modification shall be given to the other party. No modification shall take effect unless agreed to in writing by both the Department and the grantee, except that if the Department gives the grantee notice of a proposed modification without the prior approval of the grantee, the failure to object by the grantee within 30 calendar days shall be deemed acceptance and the proposed modification shall be effective on the receipt of the modification by the grantee.

- c) Suspension -- If the grantee fails to comply with the terms and conditions of the grant contract, the Department, after notice to the grantee, may suspend the grant contract in whole or in part and withhold further payments and prohibit the grantee from incurring additional obligations of grant funds, pending the grantee's implementation of a corrective action plan. The corrective action plan shall provide a strategy to correct areas of noncompliance as approved by the Department to terminate the grant in accordance with provisions of the grant contract. The Department may determine to allow costs which the grantee could not reasonably avoid during the period of suspension provided such costs were necessary and reasonable for the conduct of the project.

- d) Termination for Cause -- If the Department determines that the grantee has failed to comply with the terms and conditions of the



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

grant contract, the Department may terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which shall result in the termination of a grant include, but are not limited to, the following: consistent failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; failure to resolve points of the grant contract. The Department shall promptly notify the grantee in writing of the determination to terminate, the reasons for such termination, and the effective date of the termination.

e) Termination for Convenience -- The Department or the grantee shall terminate the grant contract in whole or in part when the Department and the grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the further expenditures of funds. The Department and the grantee shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

f) Financial Management Standards -- The grantee's financial management system shall be structured to provide for accurate, current and complete disclosure of the financial results of the grant program, in accordance with the provisions of the grant contract. The grantee is accountable for all funds received under the grant. The grantee shall maintain effective control and accountability over all funds, equipment, property and other assets under the grant. The grantee shall keep records sufficient to permit the tracking of funds to a level of expenditure to ensure that funds have not been spent unlawfully, and shall have internal controls consistent with generally accepted accounting principles adopted by the American Institute of Certified Public Accountants (1991).

g) Interest on Grant Funds -- If the grantee is a secondary or post-secondary education institution, in accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, par. 2310), all interest earned on funds held by the grantee under the grant shall become part of the grant principal when earned. Any interest earned under the grant and not expended as grant principal during the term of the grant contract shall be returned to the Department; however, interest earned on grant funds may be retained by the grantee when the cost of accounting for the interest to the grant principal is significant in comparison to the interest earned. In no event shall a grantee be permitted to increase the grant amount and expend interest earned as grant principal unless an amendment to the grant contract is executed by the Department.

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h) Audits -- The Department reserves the right to conduct special audits, at any time during normal working hours, of funds expended under Department grants. In addition, after completion of the training as specified in the grant contract, the grantee may be required to submit to the Department a descriptive report evaluating the success of the Industrial Training Program grant. If the grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 47 Ill. Adm. Code 1.

i) Monitoring and Evaluation -- The grantee shall permit any agent authorized by the Department, upon presentation of credentials, and in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the grantee involving transactions relating to a grant from the Department.

j) Property Management -- If the grantee is a secondary or post-secondary education institution, the following terms apply to property management. The grantee retains title to all equipment purchased with grant funds for program operations. The grantee shall maintain appropriate property records and periodically, at intervals not to exceed two years, conduct an inventory of all equipment or non-expendable personal property purchased with grant funds. Equipment shall be used on the original projects as long as needed. While being used on the original project, equipment may be made available for "shared use" with other activities, provided that use will not interfere with its use for the original project. When no longer needed for the original purpose, equipment may be used for other projects, provided that projects of the Department are given first priority if there is a choice. The grantee shall determine whether there is a continued need for equipment in terms of the original project of purpose. An equipment purchase/acquisition inventory listing form indicating equipment or materials purchased with program funds shall accompany the program close-out package, which is sent to the Department following the end of the grant period, if the unit cost is \$300.00 or more and the unit has a life span of one or more years.

k) Right to Examine Records/Record Retention -- The grantee, as often as deemed necessary by the Auditor General of the Department or the State of Illinois or any of their duly authorized representatives, shall allow full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions relating to this record for a period of three years from the date of the Department's receipt of the grant closeout package. The grantee shall include in all its contracts under this grant a provision



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that the Department or the Auditor General of the State of Illinois, or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the grant program and of the Department's receipt of the grant closeout package, whichever is later. All grantees must adhere to the provisions contained in 44 Ill. Adm. Code 4000 and the Local Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.101 et seq.).

- 1) Grant Closeout -- The grantee shall be responsible for completing the grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The grantee, upon submission of the closeout package, or within 45 days of expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days of the date of termination.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 950
- 3) Section numbers:
- |        |                 |
|--------|-----------------|
| 950.10 | Proposed Action |
| 950.20 | New section     |
| 950.30 | New section     |
| 950.40 | New section     |
| 950.50 | New section     |
| 950.60 | New section     |
| 950.70 | New section     |
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 850.06(e) and the Americans with Disabilities Act of 1990, 42 USC 12101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes procedures which can be used by qualified individuals with disabilities to ensure the programs of the Illinois Development Finance Authority are readily accessible to and usable by qualified individuals with disabilities.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted within 45 days of the publication of this notice to: Philip S. Howe, Illinois Development Finance Authority, Suite 100, 600 South Second Street, Springfield, Illinois 62704.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Illinois Development Finance Authority determined that these rules need not be submitted to be Business Assistance Office.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

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- B) Types of small businesses affected: The grievance procedures will not affect small businesses because the rules pertain to disabled individuals.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Rule(s) begins on the next page:

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

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TITLE 4: GRIEVANCE PROCEDURES  
CHAPTER 35: ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## PART 950

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

- 950.10 Purposes  
950.20 Definitions  
950.30 Procedure  
950.40 Designated Coordinator Level  
950.50 Final Level  
950.60 Accessibility  
950.70 Case-By-Case Resolution

**AUTHORITY:** Implementing and authorized by the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq.

**SOURCE:** Adopted at Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_.

## Section 950.10 Purposes

- a) This Grievance Procedure ("Procedure") is established pursuant to the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq., (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.

- b) In general, the ADA requires that each program, service, and activity offered by the Illinois Development Finance Authority, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

- c) It is the intention of the Illinois Development Finance Authority to foster open communication with all individuals requesting readily accessible programs, services and activities. The Illinois Development Finance Authority encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## Section 950.20 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Illinois Development Finance Authority under this procedure.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

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"Designated Coordinator" is the person(s) appointed by the Illinois Development Finance Authority who is/are responsible for the coordination of efforts of the Illinois Development Finance Authority to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

"Director" means the Executive Director of the Illinois Development Finance Authority. "Disabilities" shall have the same meaning as set forth in the Americans with Disabilities Act, 4.2 USC Section 12101. "Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Illinois Development Finance Authority, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Illinois Development Finance Authority or has been subject to discrimination by the Illinois Development Finance Authority.

"Grievance Form" is prescribed for the purpose of filing a grievance under this section and includes information such as name, address, phone number, nature of the grievance with specificity including date of incident, time, place and witnesses if applicable.

## Section 950.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in 950.40 and 950.50 of this Part defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator Level and/or the Final Level.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Illinois Development Finance Authority given in the grievance procedure.
- c) The Illinois Development Finance Authority shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

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## Section 950.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than one-hundred eighty (180) days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the Illinois Development Finance Authority.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within fifteen (15) business days after receipt of the Grievance Form.

## Section 950.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within fifteen (15) business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within fifteen (15) business days, the Director shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be the designated chairperson. The panel shall schedule a review of the grievance which shall commence no later than fifteen (15) business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- d) Upon agreement of at least two (2) of the panel members, but not later than fifteen (15) business days after the review in Section 875.50 (b) above, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign such recommendation.
- e) Within fifteen (15) business days of receipt of recommendation(s) from a panel, the Director, or designee, shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing; shall state the basis therefore; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel recommendations, the Director may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

## Section 950.60 Accessibility

The Illinois Development Finance Authority shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

## Section 950.70 Case-By-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Illinois Development Finance Authority. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent upon which any other complainants should rely.

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Employee Ownership Assistance Program

- 2) Code Citation: 14 Ill. Adm. Code 1230

- 3) Section numbers:
- |          |                        |
|----------|------------------------|
| 1230.100 | <u>Proposed Action</u> |
|          | New Section            |
| 1230.110 | New Section            |
| 1230.200 | New Section            |
| 1230.210 | New Section            |
| 1230.300 | New Section            |
| 1230.310 | New Section            |
| 1230.400 | New Section            |
| 1230.500 | New Section            |
| 1230.510 | New Section            |
| 1230.520 | New Section            |
| 1230.530 | New Section            |
| 1230.540 | New Section            |

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 850.06 (e)

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules implement the provisions of the Employee Ownership Assistance Act and clarify the statutory responsibility of the Authority in administering the Employee Ownership Assistance Program in conjunction with the Department of Commerce and Community Affairs and the Employee-Owned Enterprise Advisory Council. Most significantly, the rules specify the principal goals of the program, the eligible applicants for the program loan and grant funds, and the application process. In addition, the rules delineate the criteria used by the staff and the Board of Directors of the Authority to review loan and grant applications. Lastly, the appeal procedures available to applicants are outlined.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: N/A

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to: Philip S. Howe, Illinois Development Finance Authority, Suite 100, 600 South Second Street, Springfield, Illinois 62704.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

## 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 9, 1992
- B) Types of small businesses affected: Manufacturers and all types of businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule(s) begins on the next page:

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER III: ILLINOIS DEVELOPMENT FINANCE AUTHORITY

PART 1230  
EMPLOYEE OWNERSHIP ASSISTANCE PROGRAM  
SUBPART A: PURPOSE AND DEFINITIONS

Section  
1230.100  
1230.110

Summary and Purpose  
Definitions

## SUBPART B: APPLICATION PROCEDURES

Section  
1230.200  
1230.210

Eligible Applicants  
Application Requirements

## SUBPART C: GRANTS

Section  
1230.300  
1230.310

Eligible Grantees  
Selection Criteria

## SUBPART D: DEADLINES

Section  
1230.400

Application and Grants

## SUBPART E: APPLICATION APPROVAL PROCEDURES

Section  
1230.500  
1230.510  
1230.520  
1230.530  
1230.540

Staff Review  
General Criteria for Selection  
Authority Decision  
Council Decision  
Appeal

AUTHORITY: Implementing the Employee Ownership Assistance Act (Ill. Rev. Stat. 1991, ch. 48, par. 1301 et seq.) and authorized by Section 6(e) of the Illinois Development Finance Authority Act (Ill. Rev. Stat. 1991, ch. 48, par. 850.06(e)) and Section 4 of the Employee Ownership Assistance Act (Ill. Rev. Stat. 1991, ch. 48, par. 1304.)

SOURCE: Adopted at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Bold-face denotes statutory language.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

## SUBPART A: PURPOSE AND DEFINITIONS

## Section 1230.100 Summary and Purpose

The Employee Ownership Assistance Program provides financial and technical assistance to employee ownership associations to purchase existing industrial or manufacturing plants located in the State of Illinois which are determined to be viable businesses and which would otherwise be closed or moved out of the State. The program also provides grants to employee groups to conduct feasibility studies. The program's principal goals are the enhancement of job opportunities and the retention of jobs. The program is administered by three separate entities: the Department of Commerce and Community Affairs, the Employee-Owned Enterprise Advisory Council, and the Illinois Development Finance Authority. The primary purpose of these rules is to advise the public as to the manner of interaction between these three entities and to clarify the exclusive responsibilities of the Illinois Development Finance Authority under the Act. Loans under the program must be approved by the Majority vote of both the Board of Directors of the Authority and the members of the Advisory Council. The terms and conditions of the loan are established by the Authority within the parameters of the Act. The Authority is also authorized to make grants to employee groups to conduct feasibility studies. The Department has the primary responsibility of analysis of loan applications, technical assistance to applicants and assisting the Advisory Council.

## Section 1230.110 Definitions

"Act" means the Employee Ownership Assistance Act (Ill. Rev. Stat. 1991, ch. 48, par 1301 et seq., as amended).

"Agreement" means an Employee Ownership Assistance Loan Agreement made pursuant to the Act.

"Application" means an application for Employee Ownership Assistance Loan available from the Authority.

"Authority" means the Illinois Development Finance Authority.

"Board" means the Board of Directors of the Authority

"Code" means the Internal Revenue Code of 1986, as amended, codified in Title 26, United States Code.

"Council" means the Employee-Owned Enterprise Advisory Council.

"Department" means the Department of Commerce and Community Affairs.

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

"Employee group" means three or more employees of an industrial or manufacturing plant located in this State, the majority of which are nonmanagerial employees of such plant.

"Employee ownership association" means a corporation or other association formed by or on behalf of the employees of an industrial or manufacturing plant located in this State for the purpose of assuming ownership or control of the plant and operating it as an employee-owned enterprise.

"Employee-owned enterprise" means a business controlled, and at least 51% owned, by its employees.

"Financing Commitment" means a letter, agreement or other document from a bank, underwriter or placement agent stating the aggregate principal amount of the financing, the maximum interest rate or interest rate formula, the terms of the financing, the security requirements which apply to the financing and that the parties are prepared to execute the documents pertaining to the financing in their present form.

"Funding partner" means an entity which singly or in combination with other entities has agreed to finance not less than 50% of the project cost of an eligible project, and may include the owner(s) of the plant, the employee ownership association undertaking the project, as well as, any other governmental or financial entity.

"Industrial Project" means a project for financing under the Act which is used in manufacturing, processing, assembling, packaging, or otherwise altering or changing raw materials or other component parts; or warehouses, office or other facilities used in support of the foregoing.

"Plant" includes the site, structure, building and equipment and all real and personal property in connection therewith, including planned expansions, renovations, and new equipment, and may include any road, railroad, or utility or equipment appertinent thereto.

"Project" means the project proposed by or on behalf of an employee ownership association in an application.

"Project cost" includes all reasonable and necessary costs to be incurred in the course of an eligible project, including any anticipated acquisition, construction, land acquisition, improvements, equipment, pertinent rights and easements, and associated technical, engineering, legal and financial services.



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## SUBPART B: APPLICATION PROCEDURES

## Section 1230.200 Eligible Applicants

Applications for loans under this program must be submitted by or on behalf of an employee ownership association. There is no specific organizational structure required for an employee ownership association by the Act or by the Authority, the Council, or the Department; however, loans may only be made to employee ownership associations which qualify for special tax treatment as an employee stock ownership plan (ESOP) under the Internal Revenue Code of 1986 as amended.

## Section 1230.210 Application Requirements

- a) The Authority will provide the application and descriptive information concerning the Employee Ownership Assistance Loan to any interested individuals, employee ownership associations, or employee groups. Any individuals, associations, or employee groups contacting the Council or the Department concerning the loan program will be directed to the Authority in order to assure that all persons inquiring about the program receive the same information.
- b) A project number will be assigned to each completed application when the application is received by the Authority. The project number assigned to each application should be used in all correspondence and other contacts with the Authority.
- c) Each application must include:
  - 1) The organizational form, history and membership of the employee ownership association;
  - 2) The history and circumstances of the plant to be acquired;
  - 3) The federal tax identification of the plant to be acquired;
  - 4) The names and addresses of shareholders holding more than 10% of stock in the plant and/or all general partners if the plant is a partnership (this requirement includes ownership of the plant at the time of application and ownership of the purchasing group);
  - 5) A comparative summary balance sheet and a profit and loss statement for the plant for the previous three (3) years;
  - 6) Financial and marketing projections and analyses sufficient to allow the evaluation of the continued economic viability of the project;

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- 7) An estimate of the number of jobs to be saved or created by the project, including the number of construction jobs created, and their duration, if any;
- 8) Total anticipated project cost;
- 9) The identity of all funding partners;
- 10) A letter of interest or intent from potential funding partners that demonstrates that their combined interest or intent is to provide financing for at least 50% of the anticipated project cost;
- 11) The terms of the financing agreements with the funding partners, including any repayment schedules and finance charges to be included in such agreements;
- 12) The source of the funds to be provided by the funding partners;
- 13) A description of other sources and amounts of working capital available to the applicant, including lines of credit;
- 14) A listing of the names, positions, percent ownership and employment starting date, if any, of persons to be responsible for the management of the project;
- 15) Sales and earnings projections for a three (3) year period. Provide explanatory footnotes describing the assumptions used in forecasting income and expenses. Debt service expenses should be separated by lending source, and method of depreciation must be noted;
- 16) A complete description of the project including its proposed location, street address, legal description, elements of the project (such as land acquisition, building construction, renovation, equipment purchases and installation), estimated project commencement and completion dates and information on tenants, if any, to whom any portion or portions of the project may be leased; and a copy of any real estate sales contract and/or any lease agreement pertaining to the project;
- 17) A description of the products to be produced at the project's facility;



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- 18) A description of the machinery and equipment to be acquired with proceeds of the Employee Ownership Assistance Loan, including acquisition lead time, the cost of the equipment and whether equipment is new or used;
- 19) Site improvements existing on the land (e.g. parking lots, driveways, landscaping);
- 20) A summary of project costs including a breakdown of project expenditures, the total costs of project elements, and the sources of funds for payment of such costs including sources other than Employee Ownership Assistance Loan proceeds; evidence of construction and/or renovation cost estimates provided by an architect, which may be in the form of a letter from the estimator;
- 21) An appraisal, other than applicant's or current owner's unaided appraisal, at fair market value and at "distressed" value of any land, building or equipment to be acquired, and a stock valuation appraisal of the existing corporation;
- 22) A statement regarding the environmental effect of the project on the community, such as increased traffic, generation of hazardous waste and general effect on the quality of life;
- 23) The names, addresses and telephone numbers of the applicant's general counsel, accountant, and consultant, if any; and,
- 24) List of the United States Congressional, and the Illinois House of Representatives, and Senate Districts in which the project is located.

## SUBPART C: GRANTS

## Section 1230.300 Eligible Grantees

Employee groups who are considering establishing an employee-owned enterprise may apply to the Authority for a grant to finance a feasibility study of an industrial or manufacturing plant which has or is about to cease operations or be relocated.

## Section 1230.310 Selection Criteria

- a) The Authority will make grants only to employee groups for costs associated with conducting a feasibility study, the primary purpose of which must be to ascertain whether and in what manner the plant could produce a marketable product at a profitable price or to study and suggest alternative products or uses for the facility.

## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

- b) The applicants for the feasibility study grants must show the effect upon the local economy (e.g., the number of jobs involved or the percent of the local labor force) of the industrial or manufacturing plant which will be the subject of the feasibility study. Employee groups applying for a grant must explain the circumstances and need for such assistance and the significance of the plant within the community. Employee groups must obtain and document the support of their local municipality. Grants will be made only if funds are available. A decision by the Board is final and binding.

## SUBPART D: DEADLINES

## Section 1230.400 Application and Grants

Completed applications and request for grants must be submitted to the Authority no later than the third (3rd) Wednesday of the month preceding the Board's regularly scheduled monthly meeting. If the loan application or grant request is filed after the third (3rd) Wednesday of the month preceding the Board's regularly scheduled monthly meeting, it will be scheduled for the next Board meeting. The Council will schedule a meeting within twenty-one days after a meeting of the Board at which an application has been approved. Notice of the time and place of all meetings of the Board and the Council will be published in accordance with the Illinois Open Meeting Act, Ill. Rev. Stat. 1991, ch. 102, par. 41 et seq.

## SUBPART E: APPLICATION APPROVAL PROCEDURES

## Section 1230.500 Staff Review

- a) The staff of the Authority will review each completed application and place it on the agenda for consideration by the Board. The staff will make a recommendation for Board action with respect to each application based upon the criteria set forth in Section 1230.510 of these rules. The recommendations of the staff are not binding on the Board.
- b) The Authority will transmit a completed copy of the application to the Department for its review and analysis. The Department will analyze the application for purposes of a recommendation to the Council. The recommendation of the Department is not binding on the Council or the Authority.
- c) The Department and the staff of the Authority will recommend favorable consideration based upon analysis of financial statements and pro forma projections, in terms of the liquidity ratios, leverage ratios, activity ratios and profitability ratios, that the loan will be repaid, that the financial projections can be attained and that the project will succeed.



## ILLINOIS DEVELOPMENT FINANCE AUTHORITY

## NOTICE OF PROPOSED RULES

## Section 1230.510 General Criteria for Selection

- a) The Authority is required to consider only the information which is stated in, and materials provided with, a completed application submitted to the Authority. The application will be analyzed to determine the likelihood (more probable than not) that a loan made under the program will be repaid, and whether the project meets the criteria established by sections 7 and 8 of the Act. In approving, applications for loans under the Act, the Authority and the Council shall take into account the following selection criteria, giving preference to projects which meet the criteria stated in subsections (a)(1)-(4):

- 1) The project has higher levels of funding from the funding partners (no loan shall be made for any project not at least 50% funded by funding partners);
- 2) The project has the most direct effect on local economic development and the creation or retention of employment opportunities;
- 3) The project is most likely (more probable than not) to stimulate other private sector investment;
- 4) The project is not speculative, and provides significant assurance of repayment of the loan;

- b) The financial responsibility of the applicant and entity(ies) occupying the project if different from the applicant, including:

- 1) The readiness of the project to proceed;
- 2) The nature of the commitment of the proposed private lender or funding partner for the project; and

- 3) The likelihood that the project would not proceed without the benefit of the Employee Ownership Assistance Loan.

- c) The viability of the industrial or manufacturing plant to produce a competitive product at a profitable cost.

- d) The reasonable market value of the land, building, equipment, and production facilities which will be offered as security for the loan.

- e) The extent to which the facilities and the products are in compliance with other state and federal laws, particularly those relating to environmental quality and worker health safety.

## Section 1230.520 Authority Decision

- a) Each member of the Board shall utilize his or her best judgment in determining whether a project has demonstrated that it has exhausted all other reasonable avenues of funding the project and whether the analysis sufficiently demonstrates a reasonable likelihood of success of the project and an ability to repay the loan if made, considering the selection criteria set forth in Section 1230.510 of these rules and the normal business and financial risks faced by any new enterprise.

- b) The Board shall determine the type of security for the loan which may be necessary to protect the loan against a loan default possibility. This determination shall be made after reviewing the application, looking at recommendations of the staff and ensuring the criteria of Sections 1230.510 (a) - (e) are satisfied. Each member of the Board shall vote in favor of the project loan only if satisfied that the project meets the objectives of the Act in retaining jobs and viable manufacturing activity within the State.

- c) The loan will be approved by the Board only upon the affirmative vote of eight of its members.

## Section 1230.530 Council Decision

- a) Each member of the Council shall utilize his or her best judgment in determining whether: (1) a project has demonstrated that it has exhausted all other reasonable avenues of funding for the project; (2) the analysis sufficiently demonstrates a reasonable likelihood of success of the project and an ability to repay the loan if made, considering the selection criteria set forth in Section 1230.510 of these rules and the normal business and financial risks faced by any new enterprise.

- b) Each member of the Council shall use his or her best judgment to determine the type of security for the loan that may be necessary in order to protect the loan against the possibility of financial loss through default. Each member of the Council shall vote in favor of the project loan only if satisfied that the project meets the objectives of the Act in retaining jobs and viable manufacturing activity within the State.

- c) The loan will be approved by the Council only upon the affirmative vote of a majority of its members.



STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Numbers: 25.120  
25.220  
Proposed Action:  
Amendment  
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.6 and pars. 21-1 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The present set of amendments contains two changes, as follows:

One of the standards applicable to approval of teacher preparation institutions is being revised to include a requirement for procedures designed to attract students from diverse economic, racial, and cultural backgrounds.

Language is being added to Section 25.120(a)(2)(A) (Standards and Criteria for Institutional Recognition and Program Approval) to convey this new requirement.

Section 25.220 contains proposed new subsections setting forth requirements for guidance specialists which will go into effect on September 1, 1993. The new language describes in detail the coursework and supervised experiences which will be required of candidates after that time.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

NOTICE OF PROPOSED RULES

Section 1230.540 Appeal

Any applicant whose project has not been approved by the Council may appeal the decision by submitting in writing a request to the Lieutenant Governor acting in the capacity of Chairman of the Council. The request for appeal must be filed within thirty (30) days of the vote rejecting the project and should contain such reasoned arguments and such additional documentation as the applicant believes is appropriate to persuade the Council to reverse its prior determination. Upon receipt of such request for appeal the Council shall consider the appeal at its next meeting, not later than 90 days, and shall advise the applicant of its decision on appeal within 10 days after such meeting. A decision by the Board is final and binding.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-3950

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER b: PERSONNEL

PART 25  
CERTIFICATION

## SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

## Section

25.20 State Elementary School Certificate  
25.30 State High School Certificate  
25.40 State Special Certificate  
25.43 Standards for Certification of Special Education Teachers  
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired  
25.50 General Certificate  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects  
25.70 State Provisional Vocational Certificate  
25.80 Early Childhood Certificates  
25.90 Transitional Bilingual Certificate and Examination  
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate  
25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

## Section

25.110 System of Approval: Levels of Approval  
25.120 Standards and Criteria for Institutional Recognition and Program Approval  
25.130 Procedures for Initial Recognition as a Teacher Education Institution  
25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia  
25.150 The Periodic Review Process

## SUBPART D: SCHOOL SERVICE PERSONNEL



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Section	Requirements for the Certification of School Social Workers
25.210	Requirements for the Certification of Guidance Personnel
25.220	Requirements for the Certification of School Psychologists
25.230	Standard for School Nurse Endorsement
25.240	

## SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	Definitions (Repealed)
25.310	Administrative Certificate
25.311	Renewal of Administrative Certificate
25.315	Application for Approval of Program (Repealed)
25.320	General Supervisory Endorsement
25.322	Standards and Guide for Approved Programs (Repealed)
25.330	General Administrative Endorsement
25.333	Chief School Business Official Endorsement
25.344	Superintendent
25.355	

## SUBPART F: GENERAL PROVISIONS

Section	Military Service
25.405	Revoked Certificates
25.410	Credit in Junior College
25.415	Psychology Accepted as Professional Education
25.420	Individuals Prepared in Out-of-State Institutions
25.425	Three-Year Limitation
25.427	Institutional Approval
25.430	School Service Personnel Certificate--Waiver of Evaluations
25.435	Master of Arts NCATE
25.440	College Credit for High School Mathematics and Language Courses
25.445	Lapsed Certificates
25.450	Substitute Certificates
25.455	Provisional Special and Provisional High School Certificates
25.460	Credit
25.465	Meaning of Experience on Administrative Certificates
25.470	Certificates and Permits No Longer Issued
25.475	Credit for Certification Purposes
25.480	Provisional Recognition of Institutions
25.485	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.490	

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

## SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section	Teacher Aides
25.510	Other Noncertificated Personnel
25.520	Specialized Instruction by Noncertificated Personnel
25.530	Approved Teacher Aide Programs
25.540	

## SUBPART H: CLINICAL EXPERIENCES

Section	Definitions
25.610	Student Teaching
25.620	Pay for Student Teaching
25.630	

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	Purpose - Severability
25.705	Definitions
25.710	Test Validation
25.715	Test Equivalence
25.717	Applicability of Testing Requirement
25.720	Applicability of Scores
25.725	Registration
25.730	Late Registration
25.732	Frequency and Location of Examination
25.735	Accommodation of Persons with Special Needs
25.740	Special Test Dates
25.745	Conditions of Testing
25.750	Voiding of Scores
25.755	Passing Score
25.760	Individual Test Score Reports
25.765	Rescoring
25.770	Institution Test Score Reports
25.775	Fees
25.780	

## 25. Appendix A Statistical Test Equating - Certification Testing System

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 122, pars. 21-1 et seq., 14C-8, and 2-3.6).



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, P. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.

NOTE: Capitalization denotes statutory language.

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section 25.120 Standards and Criteria for Institutional  
Recognition and Program Approval

a) Standards for Recognition of Institutions

Only those institutions which evidence and subsequently maintain sufficient compliance with the following standards will be recognized as teacher education institutions.

- 1) Institutional Support for Teacher Education Programs. These standards measure the institution's commitment to sponsoring teacher education programs and its capability to fulfill that commitment for the period of recognition.
  - A) The institution has articulated a statement of its mission or goals and the mission or goals include and are consistent with the sponsorship of teacher education programs.
  - B) The institution evidences continuing availability and commitment of fiscal, human, and other resources adequate to conduct approved teacher education programs.
  - C) The institution has developed and maintains an administrative and policy/development structure which provides the capability to undertake the coordination, planning, and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

evaluation processes necessary to the conduct of teacher education programs.

- D) The institution presents documentation of the need for its programs, including an analysis of the available supply of teachers in the subject matter field and/or grade level being proposed.

- 2) Admissions, Retention, and Recommendation for Certification. The standards under this heading require evidence that the institution has established criteria and procedures for admission, retention, and recommendation for certification. These criteria and procedures must be neutral with respect to personal characteristics or background irrelevant to an individual's successful completion of a program and anticipated success in a certificated role in the Illinois public schools.

- A) The institution has established a written recruitment plan detailing the procedures it follows in its efforts to attract students from diverse economic, racial, and cultural backgrounds to the teacher preparation programs. The institution follows written procedures for admitting students to the institution and to teacher preparation programs and undertakes continuous evaluation for retention in the institution and in the program. Such procedures shall minimally include the requirements set forth in Article 21 of the School Code. The written procedures establish the criteria to be used at the checkpoints of:
  - i) admission to the institution;
  - ii) admission to teacher education, including, but not limited to, assessing proficiency in reading, mathematics and language arts;
  - iii) admission to student teaching; and
  - iv) at the time of recommendation for certification.



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The criteria used at the second and successive checkpoints shall be more rigorous than those used at the preceding checkpoint.

- B) The institution has established and implemented procedures for assessing the candidate's abilities which were acquired prior to admission to the program and for planning the candidate's program in light of that assessment. A candidate evidencing appropriate or required knowledge, skills, and attitudes may qualify for advanced placement or credit by successfully completing appropriate examinations or other assessment procedures as presented by a recognized institution.
- C) The institution has not established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of race, color, national origin, or irrelevant physical conditions. A coeducational institution shall not have established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of sex.
- D) The institution provides teacher education candidates with a written copy of students' responsibilities and rights and procedures for enforcing those responsibilities and rights. Causes for grievances shall include, but not be limited to, arbitrary or capricious institutional behavior in regard to:
- i) admission to a teacher education program;
  - ii) admission to the student teaching program or other clinical experience;
  - iii) dismissal from the institution or from the teacher education program, including clinical or student teaching experiences;

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- iv) evaluation of the candidate's performance in courses, clinical or student teaching settings, or any other regularly provided or required activity having a direct bearing on the candidate's being recommended for certification or for employment; or
- v) failure to recommend the candidate for certification, when required, in a timely fashion.

Such procedures shall allow students to be represented by an attorney.

- E) The institution provides evidence of systematic counseling services designed to identify potential teacher education candidates and to provide advice and counsel to those considering enrolling or already admitted into teacher education programs. Such counseling shall include reliable information based on the institution's past experience concerning prospects for employment in the candidate's chosen field.
- F) The institution has established written procedures and criteria for determining whether a candidate will be recommended for certification by entitlement.
- 3) General Features of Teacher Education Programs
- These standards assess the institution's general capability to sponsor teacher education programs and its commitment to designing and redesigning teacher education programs responsive to the needs of public education in the State of Illinois.
- A) The institution provides, under its control or by contractual arrangement with other approved post-secondary institutions, programs offering balanced and interrelated learning experiences:
- i) in the humanities, social sciences, and the natural sciences;



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- ii) in a subject area(s) taught in Illinois public schools or necessary for preparation to assume supervisory, school service, or administrative roles in Illinois public schools; and
- iii) in professional studies and experiences, including clinical experience in school or community settings throughout the preparation period.
- iv) Institutions must enter into written agreements with authorities in charge of clinical sites. These agreements must describe the responsibilities of the candidate, the institution, and the clinical site.
- v) All clinical experiences must be supervised by qualified personnel.
- vi) Student teaching must be conducted under close and competent supervision. The institution must insure that the system of supervision generates enough valid documentation and evidence that a decision regarding a candidate's success, or lack of success, can be made and defended.
- B) The institution maintains a learning environment supportive of programs which provide candidates with awareness, appreciation, and knowledge of cultural pluralism and a commitment toward the acquisition of skills on how to work with culturally distinctive students.
- C) The institution has established a continuous process for the evaluation of its teacher education programs and graduates. Evidence that the results of this evaluation, together with consultation with school personnel and community persons and groups, are used in the development of new programs and modification of existing programs shall be presented.

## b) Criteria for Approval of Programs

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Only those programs evidencing sufficient compliance with the following criteria will be approved. The term "program" refers to a structured sequence of learning activities and experiences which is designed to lead to a specific certificate and endorsement.

- 1) Relationship of Program to Public School Needs  
These criteria measure a specific program's relationship to the needs of public schools generally and those of Illinois public schools particularly.
  - A) The program provides for acquisition of knowledge, attitudes, and skills necessary for effective performance in specific teaching, supervising, school service or administrative roles.
  - B) The program is a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs.
  - C) The program develops the candidate's understanding and awareness of the unique nature of distinct cultural and ethnic groups as well as the relationships among these groups.
  - D) The program provides evidence that its faculty has the opportunity to participate directly in elementary and secondary school programs or community service programs and that educational personnel working in the elementary and secondary schools have the opportunity to participate directly in the program in a role other than that of student.
- 2) The Design of the Program  
These criteria require that a program for the preparation of educational personnel demonstrate coherence and integrity.
  - A) The program has a rationale and related set of objectives which describe the intent of



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the program and which enable evaluation of it.

- B) The program includes study of theoretical formulations of learning processes and their pedagogical implications, with emphasis on these implications for the candidate's specialization.
  - C) The program provides learning experiences enabling candidates to become aware of and responsive to the varied educational needs and the distinct cultural backgrounds of students to the extent practicable. In addition, opportunities shall be available for candidates to acquire and demonstrate abilities to work with students of culturally diverse backgrounds.
  - D) The program provides systematic procedures for evaluating the candidates' ability to teach, supervise, or administer.
  - E) The program provides for continuous evaluation, including evaluation of current students and graduates, and for program modifications based on evaluation.
  - F) The program provides a sound basis for continued study and acquisition of knowledge and skills.
- 3) Program Resources
- These criteria require evidence that sufficient resources are allocated to support the program to insure its being conducted as described.
- A) The program is supported by adequate and sufficient faculty, instructional resources, and clinical settings.
  - B) The program has and is attracting or is realistically expected to attract sufficient students to enable adequate evaluation of the program.
- c) Eligibility and Standards for Approval of Consortium Programs

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- 1) A consortium among recognized teacher education institutions in which one or more have an approved program in the area(s) in which the consortium wishes to sponsor programs will be approved upon meeting the following standards:
  - A) The institution at which the student is enrolled as a teacher education candidate awards the degree and recommends certification.
  - B) The arrangements are set forth in a written agreement between or among participating institutions with assurance that students enrolled in the consortium-sponsored program, should the institution agree to cease these efforts, will be able to finish the program in a timely fashion.
  - C) The consortium-sponsored program is the same, or virtually the same, as the approved program.
- 2) A consortium among recognized teacher education institutions in which none of the institutions has an approved program in the proposed area(s) will be approved upon meeting the following standards:
  - A) The institution at which the student is enrolled as a teacher education candidate awards the appropriate degree and recommends certification.
  - B) The proposed program(s) meet(s) the criteria for programs presented heretofore.
  - C) There exists a written agreement specifying the arrangements for the conduct of the consortium and program and the agreement provides that students enrolled in the program(s) will be allowed to complete the program(s) in a timely fashion should the consortium be disbanded.
- 3) A consortium among a recognized teacher education institution(s) and another approved post-secondary educational institution(s) or organization(s) not



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recognized for purposes of teacher education will be approved upon meeting the following standards:

- A) The degree and recommendation for certification are issued by a recognized teacher education institution.
- B) The proposed program(s) meet(s) the criteria for approval of programs presented heretofore.
- C) The nonrecognized institution or organization has been approved under applicable provisions of Ill. Rev. Stat. 1989 1989, ch. 144.
- D) There exists a legally enforceable agreement or contract between and among participants in the consortium-sponsored program describing arrangements, responsibilities, and financing of the operations and assuring that students enrolled in the program(s) will be allowed to complete the program in a timely fashion.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.220 Requirements for the Certification of Guidance Personnel

The requirements contained in subsections (a) and (b) of this Section shall remain in force through August 31, 1993. Thereafter, the requirements set forth in subsections (c), (d), and (e) of this Section shall take effect.

- a) Requirements:
  - 1) Guidance specialists must hold or be qualified for a standard teaching certificate.
  - 2) Guidance specialists must hold a master's degree.
  - 3) Guidance specialists must have completed an approved program in guidance from a recognized college or university consisting of 32 semester hours of coursework. An approved program shall include supervised school-based practicum experience. Coursework should be from the eight areas of competency listed below. Appropriate

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courses in areas (A), (B), (C), (D), (E) and (F) are a minimum requirement. Not more than six semester hours shall be acceptable at the undergraduate level.

- A) Principles and techniques of guidance.
- B) Appraisal techniques.
- C) Human growth and development.
- D) Principles and practices in counseling.
- E) Occupational, educational, personal and social information.
- F) Mental hygiene and/or personality dynamics.
- G) Organization of guidance services.
- H) Research.

- b) All Counselors who presently hold a specialist's certificate would be eligible to obtain a School Service Personnel Certificate with a Guidance Specialist endorsement.

- c) Guidance specialists must hold or be qualified for a standard teaching certificate.

- d) Guidance specialists must hold a master's degree from a recognized teacher education institution.

- e) Guidance specialists must hold a school service personnel certificate based on completion of an approved program in guidance from a recognized college or university, consisting of 39 semester hours of coursework at the graduate level. Courses in all of the following content areas are required, and the required credit hours may be earned through completion of titled courses, seminars, or practica covering the areas described.

- 1) Human Growth and Development (3 Hours)

Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and



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physiological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory, and learning theory.

- 2) Social and Cultural Foundations (3 Hours)  
Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. Such disciplines as the behavioral sciences, economics, and political science are involved.
- 3) The Helping Relationship (6 Hours)  
Includes philosophic bases of helping relationships; counseling theory, supervised practice, and application; consultation theory, supervised practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness and self-understanding.
- 4) Groups - (3 Hours)  
Includes theory and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills. This area also includes supervised practice.
- 5) Life Style and Career Development (3 Hours)  
Includes such areas as vocational choice theory, relationship between career choice and life style, sources of occupational and educational information, computerized guidance services, financial aid, college admissions, approaches to career decision-making processes, and career development exploration techniques.
- 6) Appraisal of the Individual (3 Hours)  
Includes the development of a framework for understanding the individual, including methods of data-gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences. Ethnic.

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cultural, and gender-related factors are also considered.

- 7) Research and Evaluation (3 Hours)  
Includes such areas as statistics, research design, and the development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, programs, and demonstration proposals, as well as the development and evaluation of program objectives.
- 8) Professional Orientation (3 Hours)  
Includes goals and objectives of professional organizations, code of ethics, legal considerations, standards of preparation, certification, licensing, and role identity of counselors and other school service personnel.
- 9) Environmental Studies (6 Hours)  
Includes the study of the school environment in which the student is planning to work. This area encompasses history, philosophy, trends, purposes, ethics, legal aspects, standards, and roles within the institution. Issues such as chemical dependency, sexuality, and the effects of single-parent homes and blended families must be covered, as well as the needs of special populations, such as bilingual children or children with physical or mental disabilities.
- 10) Supervised Experiences (6 Hours)
  - A) Appropriate supervised experiences provide for the integration and application of knowledge and skills gained in didactic study.
  - i) Supervised experiences must take place in settings that are compatible with the career goal of becoming a school counselor.
  - ii) Supervised experiences must include observation and direct work with



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individuals and groups within an appropriate work setting.

iii) Supervised experiences must provide opportunities for professional relationships with staff members in the work settings.

B) Supervised experiences must include laboratory, practicum, and internship activities with an appropriate, school-aged population.

C) Laboratory experiences, providing both observation and participation in specific activities, must be offered throughout the preparatory program.

D) At least 3 semester hours must be earned in a supervised counseling practicum providing interaction with individuals and groups of an appropriate, school-aged population. The practicum must include a minimum of 100 clock hours, 40 hours of which must involve direct service work with school-aged children.

E) At least 3 semester hours must be earned in a postpracticum internship that provides an actual on-the-job experience in a school setting. The internship must be a sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in the performance of various aspects of the counseling role and is gradually introduced to the full range of responsibilities associated with that role.

i) The internship shall be waived for an applicant who holds a comparable out-of-state school service personnel certificate and has had two years' experience as a school counselor.

ii) For applicants with less than two years of teaching experience, the internship must include a minimum of 600 clock hours, 240 hours of which must involve

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direct service with an appropriate clientele.

iii) For applicants with two or more years of teaching experience, the internship must include a minimum of 300 clock hours, 200 of which must involve direct service contact with an appropriate clientele.

iv) "Appropriate clientele" means school-aged children, parents, teachers, and other parties interested in students' welfare.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)



- 1) Heading of the Part: Transitional Bilingual Education
- 2) Code Citation: 23 Ill. Adm. Code 228
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
228.15	New Section
228.20	Amendment
228.25	New Section
228.30	Amendment
228.50	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, pars. 14C-1 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking is prompted by an agreement reached between the State Board and the Mexican American Legal Defense and Education Fund (MALDEF). The plan of action implementing that agreement provides among other things for amending the rules for Transitional Bilingual Education to:

- achieve added uniformity among districts in the determination of students' eligibility for bilingual education services;
- state the parents' role in approving re-enrollment of students who were withdrawn from bilingual education prior to the expiration of three years; and
- increase the minimum number of times each district's parent advisory committee must meet each year from two to four.

We are also taking this opportunity to revise the rules in response to two of the recommendations of the Superintendent's Rules Advisory Committee. We agreed to clarify the eligibility of both full-day and half-day kindergarten students for full-time and part-time placement in bilingual programs. In addition, we agreed to eliminate the language proficiency requirement for noncertified support personnel in transitional bilingual education (TBE) programs by making the standards for these staff members identical to those for similar staff in transitional programs of instruction (TPI).

Much of the text in this Part is being reorganized to reflect the sequence of steps involved in the identification and assessment of students, first in terms of their eligibility for the bilingual education program and then in terms of the specific services to be provided. Thus much that looks new is, in fact, existing language which has been reordered.

The new Section 228.15 has been added to bring forward all the requirements for identifying students eligible for bilingual education. These include the home language survey administered to each student entering a district and the subsequent individual language proficiency assessment administered to each student with a non-English background. The standards for eligibility are also set forth here; Section 228.15(g) now makes these as uniform as possible, given the large diversity of students' language backgrounds, ages, and previous educational experiences and the limitations in available testing instruments.

The data arising from the identification of eligible students form the basis for the Public School Bilingual Census all districts must conduct. Section 228.20 is being revised to focus only on the census requirements, with the remaining material placed into other sections.

The new Section 228.25 contains all the information needed for determining which kind of program (transitional bilingual education or transitional program of instruction) must be operated at each affected attendance center and whether a student should be placed in a program full time or part time. This Section also covers the requirement for annual assessment of each student and the proficiency-related criteria for leaving the bilingual program prior to the expiration of three years.

The changes being made to Section 228.30 include two items from the MALDEF agreement. The parents' consent for a student's reenrollment has been inserted in Section 228.30(a)(4)(D); the change from two to four meetings of each district's parent advisory council appears in Section 228.30(a)(8). Section 228.30 also contains the two amendments recommended by the Superintendent's Rules Advisory Committee. Placement options for kindergarten students are dealt with in subsection (a)(2); the requirements for support staff in TBE programs are conformed to those for staff in TPI programs in subsections (a)(7)(C) and (D). The change in Section 228.50(c)(5) is being made to match the way budget amendments are now being dealt with in other program areas. The remaining changes throughout these rules are chiefly technical in nature (e.g., revision of cross-references and citations of the School Code).

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No



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8) Does this proposed amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a state mandate.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

These rules will not affect small businesses.

The full text of the proposed amendments begins on the next page:

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER f: SPECIAL COURSES OF STUDY

PART 228  
TRANSITIONAL BILINGUAL EDUCATION

Section	Definitions
228.10	Identification of Eligible Students
228.15	Identification-and-Assessment Public School Bilingual Census
228.20	Census
228.25	Program Options, Placement, and Assessment
228.30	Establishment of Programs
228.40	General Program Requirements
228.50	Program Plan Approval and Reimbursement Procedures
228.60	Enforcement

AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 14C-1 et seq. and par. 2-3.39(1)).

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 228.15 Identification of Eligible Students

a) Each school district shall administer a home language survey to each student entering the district's schools for the first time, for the purpose of identifying students of non-English background. The survey shall include at least the following questions:

- 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
- 2) Whether the student speaks a language other than English and, if so, which language.
- b) The home language survey shall be administered in English and, if feasible, in the student's home language.



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c) The home language survey form shall provide a space for the signature of the student's parent or legal guardian.

d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).

e) It shall be the duty of each school district conducting home language surveys to use its best efforts in seeking out children believed to be of limited English proficiency who are resident within such district but are not enrolled in a private school within the district.

f) The district shall administer an individual language proficiency assessment to each student identified through the home language survey as having a non-English background. This assessment shall take place within four weeks of the student's enrollment in the district, for the purpose of determining the student's eligibility for bilingual education services.

g) Individual language proficiency assessments shall be conducted in accordance with the following requirements.

1) A nationally normed test of English-language proficiency shall be administered to each student who is old enough to take such a test. Each such test shall include measures of oral language skills (listening and speaking). Each such test to be administered to a student in grade 2 or above shall also include measures of reading and writing proficiency. Each student who scores below the 50th percentile on such a test (or, where test results are not expressed as percentile scores, below the proficiency level comparable to the 50th percentile) shall be considered as having limited English proficiency and shall be eligible for bilingual education services.

2) In cases where no nationally normed English proficiency measure can be administered, and for all students of non-English language background who score at or above the 50th percentile or the equivalent on the nationally normed test used, the school district shall also consider other indicators such as the results of criterion-referenced or locally developed tests, teachers' evaluations of performance, samples of a student's work, and/or information received from family members and school personnel in identifying

limited English proficiency and determining eligibility for bilingual education services.

3) Students who, based on review of evidence such as that outlined in subsection (2) above, are judged to be unable to perform successfully in classes where instruction is given only in English or more than one year behind the average performance of students (of comparable age/grade) in the district in any subject as identified in Section 228.30(a)(1)(A) shall be considered as having limited English proficiency and shall be eligible for bilingual education services.

h) The parent or guardian of any child resident in a school district who has not been identified as having limited English proficiency may request the district to determine whether such child should be considered for placement in a bilingual education program, and the school district shall make such determination upon request, using the process described in this Section. A determination contested by a parent or legal guardian may be appealed to the Superintendent of the Educational Service Region in which the district is located, pursuant to the provisions of Section 3-10 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 3-10).

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

Section 228.20 Identification and Assessment Public School Bilingual Census

All school districts (hereinafter called district(s)) shall develop a procedure for the identification and assessment of limited-English proficiency students for the purposes of completing the Public School Bilingual Census and determining the students' needs for program placement.

a) Public School Bilingual Census

1) Standards --- The district's identification and assessment procedure shall meet the following standards:

A) It shall specify the criteria to be used to identify students of non-English background within the district's population, and to identify those students whose language proficiency will be assessed.



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- 3) it shall establish and apply specific cutoff points when standardized or norm referenced tests are used for identification or assessment, and the criteria for identification and assessment shall be applied uniformly to every non-English background student in the district's population.
- 2) initial identification and assessment---The district shall first identify students of non-English background by completing a home language survey of all students to ascertain the language spoken in the home. The district shall then conduct an individual student language assessment (as defined in Section 228-10 of this Part) of those students who are of non-English background. The results of this assessment shall be used to identify the students of limited English proficiency by comparing their individual achievement in English to the average achievement in English of native English speakers of the same age or grade level in the district's population. A student's performance (i.e., above or below average) in relation to the appropriate average shall constitute each district's minimum criteria for program exit or entry, respectively.
- 3) Reporting---NO LATER THAN THE FIRST DAY OF MARCH OF EACH YEAR, EVERY SCHOOL DISTRICT SHALL submit a Census Report for that school year to the State Board of Education. A district may use the number of students who have been identified in its report as having limited English proficiency as a preliminary count for the purposes of submitting a program application pursuant to Section 228-50 of this Part. The report shall be submitted on forms provided by the State Board of Education and shall include:
- A) the number of students of non-English background in each attendance center;
- B) the number of those students who have been identified as having limited English proficiency, and
- C) for students of limited English proficiency, their home language, grade level, age or achievement level.

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## 4) Program Options

- A) WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 20 OR MORE LIMITED-ENGLISH-PROFICIENT STUDENTS OF THE SAME LANGUAGE BACKGROUND, THE SCHOOL DISTRICT MUST ESTABLISH A TRANSITIONAL-BILINGUAL PROGRAM for each language classification represented by such students. A further assessment of those students to determine their needs for bilingual instruction and for placement in either a full-time or part-time program shall be conducted.
- B) WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 19 OR FEWER STUDENTS OF LIMITED-ENGLISH-PROFICIENCY and from any non-English language, the school district shall conduct an individual student assessment to determine each student's need for native language instruction and may provide a transitional-bilingual program in the non-English language(s) common to such students or shall provide a locally-determined transitional program of instruction for those students.
- b) Placement in Transitional-Bilingual Education Programs and Transitional Programs of Instruction
- 1) Transitional-Bilingual Education Programs
- Districts shall consider the following when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if feasible, in the student's home language; academic history; age; cultural background; handicapping conditions, if any; and any other factors that would assist the district in designing an instructional program appropriate to the student's needs.
- 2) Transitional Programs of Instruction
- Districts shall consider the following when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if feasible, in the student's home language; academic history; age; cultural background; handicapping conditions, if any; and any other factors that would assist the district in designing an



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instructional program appropriate to the student's needs.

- e) The parents or legal guardians of any child resident in a school district who shall not have been counted for the purposes of the census may request the district to determine whether such child should be considered for placement in a transitional bilingual education program or a transitional program of instruction, and the school district shall make such determination upon parental request. District determinations which are contested by the parents or legal guardians of such child can be appealed to the Superintendent of the Educational Service Region, pursuant to the provisions of Article 3-10, Chapter 122 of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 3-10).

- d) It shall be the duty of each school district conducting a census to use its best efforts in seeking out unenrolled children believed to be of limited English proficiency who are resident within such district but are not enrolled in a private school within the district.

## e) ANNUAL EXAMINATION

- 1) SCHOOLS DISTRICTS MUST ASSESS THE ENGLISH LANGUAGE PROFICIENCY, INCLUDING ARAB COMPREHENSION, SPEAKING, READING, AND WRITING SKILLS, OF ALL STUDENTS ENROLLED IN PROGRAMS ON AN ANNUAL BASIS.

- 2) Annual testing procedures and instruments shall be described in the district's program application, shall include specific program entry and exit criteria, and shall be subject to the approval of the State Board of Education. The State Board shall approve testing procedures and instruments that comply with the criteria set forth in subsections (a)(1) and (a)(2) of this Section. School districts shall maintain records of individual test scores in accordance with the provisions of 23-111 Adm. Code 375-(Student Records).

- a) NO LATER THAN THE FIRST DAY OF MARCH OF EACH YEAR, EVERY SCHOOL DISTRICT SHALL submit a bilingual census report for that school year to the State Board of Education. The report shall be submitted on forms provided by the Board and shall include:

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- 1) the number of students of non-English background in each attendance center, as identified via the home language survey;

- 2) the number of those students who have been identified as having limited English proficiency; and
- 3) the home languages, ages, and grade or achievement levels of the students identified as having limited English proficiency.

- b) A district may use the number of students who have been identified in its census report as having limited English proficiency and who are thus eligible for bilingual education services as a preliminary count for the purpose of submitting a program application pursuant to Section 228.50.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
Section 228.25 Program Options, Placement, and Assessment

- a) WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 20 OR MORE LIMITED ENGLISH PROFICIENT STUDENTS OF THE SAME LANGUAGE CLASSIFICATION, THE SCHOOL DISTRICT MUST ESTABLISH A TRANSITIONAL BILINGUAL PROGRAM for each language classification represented by such students. A further assessment of those students to determine their needs for bilingual instruction and for placement in either a full-time or a part-time program shall be conducted.

- b) WHEN AN ATTENDANCE CENTER HAS AN ENROLLMENT OF 19 OR FEWER STUDENTS OF LIMITED ENGLISH PROFICIENCY and from any non-English language, the school district shall conduct an individual student assessment to determine each student's need for native language instruction and may provide a transitional bilingual program in the non-English language(s) common to such students or shall provide a locally determined transitional program of instruction for those students.

- c) Districts shall consider the following factors when determining an individual student's full-time or part-time educational program needs: language assessment in English and, if available, in the student's home language; academic history and achievement levels; age; cultural background; handicapping conditions, if any; and any other factors that would assist the district in designing an instructional program appropriate to the student's needs.



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## d1 ANNUAL EXAMINATION

- 11 SCHOOL DISTRICTS MUST ASSESS THE ENGLISH LANGUAGE PROFICIENCY, INCLUDING AURAL COMPREHENSION, SPEAKING, READING, AND WRITING SKILLS, OF ALL STUDENTS ENROLLED IN PROGRAMS ON AN ANNUAL BASIS.

- A) Districts may comply with this requirement by administering the same nationally normed test(s) of English-language proficiency used to identify students eligible for bilingual education services.
- B) Districts may also select instruments other than those used to identify eligible students. For each such other instrument used, the district shall provide evidence in its annual application (see Section 228.50) that the score used as an exit criterion represents a level of English-language proficiency comparable to that represented by the 50th-percentile score or equivalent on the nationally normed test used in eligibility determinations.

- 2) Students who score at or above the 50th percentile (or, where test results are not expressed as percentile scores, the proficiency level comparable to the 50th percentile) on the nationally normed test of English language proficiency chosen for their respective ages or grade levels by the district and described in the district's program application shall be eligible to exit from the bilingual education program as provided in Section 228.30(a)(4).

- 3) School districts shall maintain records of individual test scores in accordance with the provisions of 23 Ill. Adm. Code 375 (Student Records).

(Source: Added at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 228.30 Establishment of Programs

## a) Transitional Bilingual Education Programs

- 1) PROGRAM COMPONENTS OF A FULL-TIME PROGRAM - A FULL-TIME TRANSITIONAL BILINGUAL EDUCATION PROGRAM SHALL INCLUDE THE FOLLOWING COMPONENTS:

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- A) INSTRUCTION IN SUBJECTS WHICH ARE EITHER REQUIRED BY LAW (see 23 Ill. Adm. Code 1) OR BY THE STUDENT'S SCHOOL DISTRICT, TO BE GIVEN IN THE STUDENT'S HOME LANGUAGE AND IN ENGLISH; CORE SUBJECTS SUCH AS MATH, SCIENCE AND SOCIAL STUDIES MUST BE OFFERED IN THE STUDENT'S HOME LANGUAGE;
- B) INSTRUCTION IN THE LANGUAGE ARTS IN THE STUDENT'S HOME LANGUAGE AND IN ENGLISH AS A SECOND LANGUAGE; AND
- C) INSTRUCTION IN THE HISTORY AND CULTURE OF THE COUNTRY, TERRITORY, OR GEOGRAPHIC AREA WHICH IS THE NATIVE LAND OF THE STUDENTS OR OF THEIR PARENTS AND IN THE HISTORY AND CULTURE OF THE UNITED STATES.

- 2) Program Structure for Part-Time Programs - Students, including kindergarten students in either full-day or half-day programs, are eligible for placement in a part-time program pursuant to the provisions of Section 228-28(b)(i)-of-this-Part Section 228.25(c), or students previously placed in a full-time program may be placed in a part-time program under the following conditions:

- A) an assessment of the student's English language skills has been performed in accordance with the provisions of Section 228-28(e)-of-this-Part Section 228.15(f);
- B) the student's prior performance, if any, in coursework taught exclusively in English has been evaluated; and
- C) a review of these areas shows a performance that is less than one academic year behind the average of students of the same grade level in the district, in all but one or two subject areas, in which so that instruction in ESL and subject area instruction in the home language may still be necessary.

- 3) Program Components of a Part-Time Program - A part-time program will consist of those instructional programs and materials, supportive services (e.g., counseling, special instructional resources, or tutorial assistance), learning settings, and other educational services which modify, supplement, and



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support the standard educational program of the public school and which, based upon an assessment of the student's educational needs in accordance with the standards set forth in subsection (a)(2) of this Section, will provide daily instruction in the home language and in English.

## 4) DURATION OF PROGRAM PARTICIPATION

- A) A student of limited English proficiency shall remain in the program for a period of three years or until said student achieves a score on the annual examination that meets the exit criteria established by the district and approved by the State Board of Education as provided in Section 228-20 of this Part, whichever shall first occur.

NO SCHOOL DISTRICT SHALL WITHDRAW A STUDENT PRIOR TO THE COMPLETION OF THREE YEARS OF PROGRAM ENROLLMENT WITHOUT WRITTEN APPROVAL FROM THE STUDENT'S PARENTS OR LEGAL GUARDIANS, AND UNLESS THE STUDENT HAS RECEIVED A SCORE ON THE ANNUAL EXAMINATION WHICH MEETS OR EXCEEDS THE PROGRAM exit criteria established pursuant to Section 228.25(d)(2).

- B) HOWEVER, A STUDENT MAY REMAIN IN THE TRANSITIONAL BILINGUAL EDUCATION PROGRAM LONGER THAN THREE YEARS AT THE DISCRETION OF THE SCHOOL DISTRICT AND SUBJECT TO THE APPROVAL OF THE STUDENT'S PARENTS.

- C) NO SCHOOL DISTRICT SHALL WITHDRAW A STUDENT PRIOR TO THE COMPLETION OF THREE YEARS OF PROGRAM ENROLLMENT WITHOUT WRITTEN APPROVAL FROM THE STUDENT'S PARENTS OR LEGAL GUARDIANS, AND UNLESS THE STUDENT HAS RECEIVED A SCORE ON THE ANNUAL EXAMINATION WHICH MEETS OR EXCEEDS THE PROGRAM exit criteria established by the district.

- B) IF A STUDENT, HAVING BEEN TRANSFERRED FROM A PROGRAM PRIOR TO THREE YEARS, DEMONSTRATES, IN THE JUDGEMENT OF THE SCHOOL DISTRICT, AN INADEQUATE COMMAND OF ENGLISH, SAID STUDENT MAY BE RE-ENROLLED IN THE PROGRAM FOR THE BALANCE OF THE THREE YEARS, subject to the approval of the student's parents.

- 5) Inclusion of Students Whose First or Home Language is English - Students whose first or home language is English may be included in a program of transitional bilingual education provided that all students of limited English proficiency are served. No reimbursement-of-costs shall be allowed-for-educating students-whose-first-or-home-language-is-English.

- 6) Language Grouping - School districts may place in the same class in any program of transitional bilingual education students of limited English proficiency of different home languages, provided that, in classes other than ESL:

- A) instructional personnel or assistants representing each of the languages in the class are used; and
- B) the instructional materials are appropriate (e.g., grade level and subject matter) for the languages of instruction.

## 7) Personnel

- A) Any person designated to administer the program by the district superintendent must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

- B) Standards for Teachers in Bilingual Education Programs - Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional bilingual education programs shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).

- C) Noncertificated Personnel - School Districts may employ noncertificated personnel to assist certified personnel teaching in transitional bilingual education programs approved pursuant to this Part. Noncertificated personnel may include instructional aides, who must possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill.



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Adm. Code 1.630 (Public Schools Evaluation, Recognition and Supervision). Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.

- D) All noncertificated personnel must possess proficiency in at least one of the home language(s) of the students being served and in English as evidenced by compliance with the requirements of 23 Ill. Adm. Code 25-90 (Certification) or by passing an examination administered by the school district that meets the language proficiency standards set forth in 23 Ill. Adm. Code 25-90.

E) Other Professional Staff - Districts providing programs may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles.

- 8) PARENT AND COMMUNITY PARTICIPATION - EACH DISTRICT OR COOPERATIVE SHALL ESTABLISH A PARENT ADVISORY COMMITTEE CONSISTING OF PARENTS, LEGAL GUARDIANS, TRANSITIONAL BILINGUAL EDUCATION TEACHERS, COUNSELORS, AND COMMUNITY LEADERS. THIS COMMITTEE SHALL PARTICIPATE IN THE PLANNING, OPERATION, AND EVALUATION OF PROGRAMS. THE MAJORITY OF COMMITTEE MEMBERS SHALL BE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THESE PROGRAMS. MEMBERSHIP ON THIS COMMITTEE SHALL BE REPRESENTATIVE OF THE LANGUAGES SERVED IN PROGRAMS TO THE EXTENT POSSIBLE. The committee shall:

- A) meet at least two four times per year;
  - B) maintain on file with the school district minutes of these meetings; and
  - C) review the district's annual program application to the State Board of Education.
- b) Transitional Program of Instruction
- 1) Program Structure - The level of a student's proficiency in English, as determined by an individual

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student language assessment, will determine the structure of the student's instructional program.

- 2) Program Components - A transitional program of instruction must include instruction or other assistance in the student's home language to the extent necessary, as determined by the district on the basis of the student assessment required in Section 228-20(b)(2) of this Part Section 228.15(f), to enable the student to keep pace with his/her age or grade peers. A transitional program of instruction may include, but is not limited to, the following components: instruction in ESL, language arts in the students' home language, and instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.

- 3) Duration of Student Program Participation - A student of limited English proficiency shall remain in the program until an individual student language assessment determines that the student has achieved a level of English proficiency which meets or exceeds the district's exit criteria as provided in Section 228-20(e)(2) of this Part Section 228.25(d).

4) Personnel

- A) Any person designated by the district superintendent to administer the program must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education pursuant to 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).
- B) Standards for Teachers in Transitional Programs of Instruction - Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional programs of instruction shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).
- C) Noncertificated and Other Personnel - School districts may employ noncertificated personnel to assist certified personnel teaching in a







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Adm. Code 1.630 (Public Schools Evaluation, Recognition and Supervision). Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.

student language assessment, will determine the structure of the student's instructional program.

D) All noncertificated personnel must possess proficiency in at least one of the home language(s) of the students being served and in English as evidenced by compliance with the requirements of 23 Ill. Adm. Code 25-90 (certification) or by passing an examination administered by the school district that meets the language proficiency standards set forth in 23 Ill. Adm. Code 25-90.

2) Program Components - A transitional program of instruction must include instruction or other assistance in the student's home language to the extent necessary, as determined by the district on the basis of the student assessment required in Section 228-20(e)(2)-of-this-Part Section 228.15(f), to enable the student to keep pace with his/her age or grade peers. A transitional program of instruction may include, but is not limited to, the following components: instruction in ESL, language arts in the students' home language, and instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.

E) Other Professional Staff - Districts providing programs may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles.

3) Duration of Student Program Participation - A student of limited English proficiency shall remain in the program until an individual student language assessment determines that the student has achieved a level of English proficiency which meets or exceeds the district's exit criteria as provided in Section 228-20(e)(2)-of-this-Part Section 228.25(d).

8) PARENT AND COMMUNITY PARTICIPATION - EACH DISTRICT OR COOPERATIVE SHALL ESTABLISH A PARENT ADVISORY COMMITTEE CONSISTING OF PARENTS, LEGAL GUARDIANS, TRANSITIONAL BILINGUAL EDUCATION TEACHERS, COUNSELORS, AND COMMUNITY LEADERS. THIS COMMITTEE SHALL PARTICIPATE IN THE PLANNING, OPERATION, AND EVALUATION OF PROGRAMS. THE MAJORITY OF COMMITTEE MEMBERS SHALL BE PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THESE PROGRAMS. MEMBERSHIP ON THIS COMMITTEE SHALL BE REPRESENTATIVE OF THE LANGUAGES SERVED IN PROGRAMS TO THE EXTENT POSSIBLE. The committee shall:

A) meet at least two times per year;

B) maintain on file with the school district minutes of these meetings; and

C) review the district's annual program application to the State Board of Education.

b) Transitional Program of Instruction

## 4) Personnel

A) Any person designated by the district superintendent to administer the program must hold a registered supervisory or administrative certificate or endorsement issued by the State Board of Education pursuant to 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision).

B) Standards for Teachers in Transitional Programs of Instruction - Bilingual teachers and teachers of English as a Second Language who provide instruction in transitional programs of instruction shall meet applicable requirements of 23 Ill. Adm. Code 1.780 through 1.782 (Public Schools Evaluation, Recognition and Supervision).

1) Program Structure - The level of a student's proficiency in English, as determined by an individual

C) Noncertificated and Other Personnel - School districts may employ noncertificated and other



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transitional program of instruction. Such personnel may include instructional aides who possess a Statement of Approval issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.630. Other personnel who may be employed include translators, tutors, interpreters and such additional personnel as are determined to be needed by the school district to assist a student's early and effective transition to the regular school program.

- D) Other Professional Personnel - Districts providing a program may employ other professional staff to provide services to limited English proficient students. These professionals must hold certificates appropriate to their roles pursuant to 23 Ill. Adm. Code 25 (Certification).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 228.50 Program Plan Approval and Reimbursement Procedures

- a) Reimbursement for programs provided by school districts pursuant to the provisions of Article 14C of the School Code and this Part is contingent upon the submission and approval of a program plan and request for reimbursement in accordance with the requirements of Section 14C-12 of the School Code and this Section.

- b) Program Plan Submission and Approval

- 1) Applications for program approval shall be submitted, on forms provided by the State Board of Education, at least sixty (60) calendar days prior to the start of the proposed initial or continuing program.

- 2) The State Superintendent of Education will waive the requirement in subsection (b)(1) of this Section only when an application is accompanied by a statement of facts showing that the waiver will enable the district to begin serving a student or students sooner than would otherwise be the case.

- 3) School districts shall be granted at least sixty (60) calendar days to complete and submit applications to the State Board of Education. A district's failure to submit a completed application by the date specified on the form will delay its receipt of reimbursement pursuant to subsection (c) of this Section.

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- 4) Applications for a Transitional Bilingual Education Program and/or a Transitional Program of Instruction must contain at least the following information:

- A) The number of students to be served by grade or grade equivalent and language group in a full-time or part-time program.
- B) A summary description of the number and types of personnel who will provide services in the program.
- C) A description of the full-time and/or part-time program to be provided to the students identified pursuant to subsection (b)(4)(A) of this Section in relation to the applicable program standards set forth in Section 228.30 of this Part.
- D) A copy of the district's procedures for identifying students of limited English proficiency, which must be in compliance with the standards set forth in Section 228.20 of this Part Section 228.15.
- E) Descriptions of the district's procedures and testing instruments for the annual examinations required under Section 228.25(d), including evidence, where applicable, that the cutoff scores used as exit criteria represent levels of English-language proficiency comparable to those represented by scores at the 50th percentile (or equivalent) on the nationally normed tests used by the district to identify eligible students.
- F) A budget summary containing a projection of the program expenditures (e.g., instruction, support services, administration and transportation) and offsetting revenues for the upcoming fiscal year, and a detailed budget breakdown including allowable program expenditures for which reimbursement is sought, other program expenditures, and total program costs.
- G) The signature of the president of the district's Bilingual Parent Advisory Committee established pursuant to Section 14C-10 of the School Code and Section 228.30(a)(8) of this Part, which



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shall be evidence that said Committee has had an opportunity to review the application.

- 5) Applications which, upon review by the State Board of Education staff, are found to contain the information required pursuant to this Section shall be recommended for approval by the State Superintendent of Education. If the application is found to be incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. Such applicants must supply the requested information within fifteen (15) calendar days of their receipt of said notice.

- 6) The State Superintendent of Education will approve applications that demonstrate compliance with Article 14C of the School Code and this Part, except that the State Superintendent shall invoke subsection (b) (5) of this Section with respect to any requested information that is missing from any application submitted for approval.

## c) Account of Expenditures and Reimbursement Procedures

- 1) An account of each district's expenditures pursuant to Article 14C of the School Code and this Part shall be maintained as required in Section 14C-12 of the School Code. Accounting procedures shall be in accordance with applicable requirements of 23 Ill. Adm. Code 110 (Program Accounting Manual).

- 2) The final annual report of district expenditures, which shall include the information specified in Section 14C-12 of the School Code, shall be submitted on forms provided by the State Board of Education no later than August 10 of each year.

- 3) School districts shall submit claims for reimbursement of programs approved in accordance with this Part on forms provided by the State Board of Education and in accordance with the timelines and procedures specified in Section 14C-12 of the School Code.

- 4) In the event that funds appropriated by the General Assembly are insufficient to cover the districts' excess costs, the funds will be distributed on a pro rata basis and in accordance with the timelines specified in Section 14C-12 of the School Code.

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- 5) A request to amend a district's approved budget shall be submitted on forms provided by the State Board of Education whenever a district determines that there is a need to change increase or decrease an approved line item expenditure by more than \$500 or 10%, whichever is smaller larger.

- 6) Budget amendment requests will be approved if the rationale required to be provided for each amendment includes facts demonstrating that:
  - A) there is a need (e.g., a change in the number of students served or personnel needed); and
  - B) the altered expenditures and their related program services will be in compliance with the requirements of Article 14C of the the School Code and this Part.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 900
- 3) Section Numbers:  

<u>Proposed Action:</u>	
900.10	New Section
900.20	New Section
900.30	New Section
900.40	New Section
900.50	New Section
900.60	New Section
900.70	New Section
- 4) Statutory Authority: Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35.
- 5) A Complete Description of the Subjects and Issues Involved:  

This rulemaking establishes a grievance procedure required by the Act to resolve grievances asserted by qualified individuals with disabilities.

The rules explain who may file a grievance and guide a complainant through the steps necessary to proceed to a resolution.

  - 6) Will these proposed amendments replace an emergency Rule currently in effect? No
  - 7) Does this rulemaking contain an automatic repeal date? No
  - 8) Do these proposed amendments contain incorporations by reference? No
  - 9) Are there any other proposed Rules pending on this Part? No
  - 10) Statement of Statewide Policy Objectives (if applicable):  

This rulemaking has no effect on local governments.
  - 11) Time, Place and Manner in which interested persons may comment on this proposed

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED RULES

- rulemaking:

Educational Labor Relations Board

Attention: David A. Youngerman

320 West Washington Street, Second Floor

Springfield, Illinois 62701

(217) 782-9068
- 12) Initial Regulatory Flexibility Analysis: Not Applicable
- The full text of the Proposed rules begins on the next page:



## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED RULES

TITLE 4: GRIEVANCE PROCEDURES  
CHAPTER XXXIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## PART 900

AMERICANS WITH DISABILITIES ACT  
GRIEVANCE PROCEDURE

Section	
900.10	Purpose
900.20	Definitions
900.30	Procedure
900.40	Designated Coordinator Level
900.50	Final Level
900.60	Accessibility
900.70	Case-by-case Resolution

**AUTHORITY:** Implementing the Americans with Disabilities Act of 1990 (42 USC Section 12101 et seq.) and Section 35.107 of Title II (28 CFR Part 35).

**SOURCE:** Adopted at 16 Ill. Reg. \_\_\_\_ effective \_\_\_\_.

## Section 900.10 Purpose

- a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Agency, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Agency to foster open communication with all individuals requesting readily accessible programs, services and activities. The Agency encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED RULES

## Section 900.20 Definitions

a) Grievance

A grievance is any complaint under the ADA by an individual with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Agency; and
- 2) believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Agency or has been subject to discrimination by the Agency.

b) Complainant

A complainant is an individual with a disability who files a Grievance Form provided by the Agency under this procedure.

c) Designated Coordinator

The Designated Coordinator is the person(s) appointed by the Agency Director who is/are responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See CFR 35.107.

## Section 900.30 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the



## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## NOTICE OF PROPOSED RULES

complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Agency's last response.

- c) The Agency shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

## Section 900.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Agency to complete the Grievance Form.

- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director of the Agency within ten (10) business days after receipt of the Grievance Form.

## Section 900.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Agency for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the Panel recommendations, the Director shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the State Records Act, Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq., or as otherwise required by law.

## Section 900.60 Accessibility

The Agency shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

## Section 900.70 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Agency. Accordingly, termination of a grievance at any Level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.



## DEPARTMENT OF INSURANCE

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Books and Records

2) Code Citation: 50 Ill. Adm. Code 3201

3) Section Numbers: Proposed Action:

3201.10	Repealed
3201.20	Repealed
3201.30	Repealed
3201.40	Repealed
3201.50	Repealed
3201.60	Repealed
3201.70	Repealed

4) Statutory Authority: Implementing Section 513 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 and 1013)

5) A Complete Description of the Subjects and Issues Involved:  
This Part is being repealed pursuant to revisions in the Insurance Code itself. The administrative requirements are being incorporated into the Code by P.A. 87-0811 effective 07/01/92.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?  
Yes, July 1, 1992

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

12) Initial Regulatory Flexibility Analysis: The Department has determined that this repealer will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jj: PREMIUM FINANCE COMPANIES

PART 3201  
BOOKS AND RECORDS

Section	Filing of Documents
3201.10	Maintenance of Records
3201.20	Aggregate Number and Outstanding Balances of Premium Finance Agreements
3201.30	Ledger Cards
3201.40	Receipts
3201.50	Date of Notice and Amount of Return Premium
3201.60	Permanent Indications on Ledger Cards
3201.70	

AUTHORITY: Implementing Section 519 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.66 and 1014)

SOURCE: Filed November 9, 1967; codified at 7 Ill. Reg. 6490; repealed at 16 Ill. Reg. \_\_\_\_\_, effective July 1, 1992.

## Section 3201.10 Filing of Documents

Until payment in full, every licensee shall file each premium finance agreement or duplicate originals thereof, and all original documents relating thereto (except those papers returned to the insured) so as to readily be available for inspection at any time. All such papers and instruments shall bear a common identifying number.

## Section 3201.20 Maintenance of Records

a) Every licensee shall maintain a register, ledger or combination of records containing a summary of premium finance agreements acquired, other than pursuant to a pledge, which can readily show:

- 1) the date of acquisition;
- 2) the name of the insured;
- 3) the identifying number;
- 4) the principal balance;
- 5) the amount of service charge;
- 6) the balance; and

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

7) a distribution of proceeds showing the dates, amounts, purposes and names of the persons to whom any part of the proceeds is distributed.

b) The record shall also show the application of any part of the proceeds to an unpaid balance due on an existing premium finance agreement which is terminated by a refinancing agreement. (For the purpose of this Part, the balance shall mean the sum of the principal balance plus the amount of the service charge.)

Section 3201.30 Aggregate Number and Outstanding Balances of Premium Finance Agreements

Every licensee shall maintain a record which will readily disclose at any time the aggregate number and outstanding balances of all premium finance agreements held by it, other than pursuant to a pledge.

## Section 3201.40 Ledger Cards

Every licensee shall maintain an individual ledger card or appropriate combination of records with respect to each premium finance agreement showing:

- a) the name and address of the insured;
- b) the identifying account number;
- c) the name of the producer;
- d) the amount of the principal balance;
- e) the date of acquisition;
- f) the name or names of the insurers and the policy numbers of the related insurance contracts;
- g) the date from which the service charge is payable and whether such date is the inception date of the insurance contract or the due date of the premiums financed or neither;
- h) the service charge;
- i) the balance; and
- j) the schedule of required payments.

## Section 3201.50 Receipts

The ledger card shall also show all receipts setting forth their application to outstanding balance and other charges, if any, with the type of such charge clearly specified.

## Section 3201.60 Date of Notice and Amount of Return Premium



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With respect to cancellation of insurance the licensee shall record the date of notice to the insured and the date of notice to the insurer. There shall also be recorded the amount of return premium, if any, received and the disposition thereof.

## Section 3201.70 Permanent Indications on Ledger Cards

With respect to any premium finance agreement, whether charged off or not, upon which legal proceedings have been taken, every licensee shall clearly indicate in permanent form on the insured's ledger card or on a separate sheet or card or file bearing the identifying account number, the following:

- a) the date of referral to counsel for collection;
- b) the date and terms of any settlement agreed upon or the results of any legal or summary action taken for or against the licensee;
- c) the nature of any collection expense incurred by the licensee in connection with litigation and charged to or paid by the insured or other obligor.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Changes in Officers and Directors of a Corporation Holding a License as a Premium Finance Company
- 2) Code Citation: 50 Ill. Adm. Code 3203
- 3) Section Numbers:

3203.10	Repealed
3203.20	Repealed
- 4) Statutory Authority: Implementing Section 513 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 and 1013).
- 5) A Complete Description of the Subjects and Issues Involved:  
This Part is being repealed pursuant to revisions in the Insurance Code itself. The administrative requirements are being incorporated into the Code by P.A. 87-0811 effective 07/01/92.
- 6) Will this proposed rule replace emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes, July 1, 1992
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this repealer will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jj: PREMIUM FINANCE COMPANIES

## PART 3203

CHANGES IN OFFICERS AND DIRECTORS OF A CORPORATION  
HOLDING A LICENSE AS A PREMIUM FINANCE COMPANY

## Section

3203.10

Initial Report of Change of Status of Officer or Director

3203.20

Subsequent Report of Change of Status of Officer or Director

**AUTHORITY:** Implementing Article XXII and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 et seq. and 1013).

**SOURCE:** Filed November 9, 1967, effective December 15, 1967; codified at 7 Ill. Reg. 1053; repealed at 16 Ill. Reg. \_\_\_\_\_, effective July 1, 1992.

Section 3203.10 Initial Report of Change of Status of Officer or Director

Every corporation holding a license as a premium finance company shall advise the Director in writing within ten (10) days as to any officer who terminates or alters his status with the licensee and the name and residence of any new director or officer.

Section 3203.20 Subsequent Report of Change of Status of Officer or Director

A subsequent report shall be provided within thirty (30) days by a corporate licensee affecting the change of its officers and directors which shall include the following information:

- a) whether any such person has ever applied for a license to transact business as a premium finance company in this State;
- b) whether any such person previously licensed as a premium finance company or insurance agent or broker has had such license denied, revoked or suspended;



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- c) whether such person has ever been convicted for any crime in any jurisdiction, excluding traffic offenses;
- d) a statement as to the occupational activities of such person during the previous five years.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Filing of Rate Charts and Agreement Forms

- 2) Code Citation: 50 Ill. Adm. Code 3202

- 3) Section Numbers: Proposed Action:

3202.10 Repealed  
3202.20 Repealed  
3202.30 Repealed

- 4) Statutory Authority: Implementing Section 513 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 and 1013)

- 5) A Complete Description of the Subjects and Issues Involved:  
This Part is being repealed pursuant to revisions in the Insurance Code itself. The administrative requirements are being incorporated into the Code by P.A. 87-0811 effective 07/01/92.

- 6) Will this proposed rule replace emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?  
Yes, July 1, 1992

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs, Paralegal Assistant  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767



DEPARTMENT OF INSURANCE

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NOTICE OF PROPOSED REPEALER

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TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jj: PREMIUM FINANCE COMPANIES

12) Initial Regulatory Flexibility Analysis: The Department has determined that this repealer will not affect small businesses.

PART 3202

FILING OF RATE CHARTS AND AGREEMENT FORMS

The full text of the Proposed Repealer begins on the next page:

Section  
3202.10 Rate Charts  
3202.20 Premium Finance Agreements  
3202.30 Date and Identifying Symbol on Charts and Agreements

AUTHORITY: Implementing Article XXII and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 et seq. and 1013).

SOURCE: Filed November 9, 1967, effective December 15, 1967; codified at 7 Ill. Reg. 900; repealed at 16 Ill. Reg. \_\_\_\_\_, effective July 1, 1992.

Section 3202.10 Rate Charts

Within three business days after a licensee issues, distributes, furnishes or makes available any chart or charts setting forth rates or amounts for service charges to be used in connection with premium finance agreements for the convenience of agents or brokers, such licensee shall file with the Director of Insurance three copies of each of such chart.

Section 3202.20 Premium Finance Agreements

Within three business days after a licensee issues, distributes, furnishes or makes available any form or forms of premium finance agreements to be used by agents or brokers in connection with premium financing, such licensee shall file with the Director of Insurance three copies of each such form.

Section 3202.30 Date and Identifying Symbol on Charts and Agreements

Every form of premium finance agreement and every rate chart of which a copy is required to be filed with the Director of Insurance pursuant to the provisions of this Part shall bear thereon a date of issuance and identifying symbol consisting of numbers or letters or a combination thereof.



## DEPARTMENT OF INSURANCE

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## NOTICE OF PROPOSED REPEALER

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Financing Insurance Premiums Defined

2) Code Citation: 50 Ill. Adm. Code 3205

3) Section Numbers: Proposed Action:

3205.10 Repealed  
3205.20 Repealed  
3205.30 Repealed

4) Statutory Authority: Implementing Section 513 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 and 1013)

5) A Complete Description of the Subjects and Issues Involved:  
This Part is being repealed pursuant to revisions in the Insurance Code itself. The administrative requirements are being incorporated into the Code by P. A. 87-0811 effective 07/01/92.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?  
Yes, July 1, 1992

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Fuchs, Paralegal Assistant  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

12) Initial Regulatory Flexibility Analysis: The Department has determined that this repealer will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jj: PREMIUM FINANCE COMPANIES

PART 3205  
FINANCING INSURANCE PREMIUMS DEFINED

Section  
3205.10  
3205.20  
3205.30

Authority  
Definition of "Financing Insurance Premiums"  
Applicable to Insurance Agents/Brokers

AUTHORITY: Implementing Section 515 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.62) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013).

SOURCE: Filed January 23, 1975, effective February 1, 1975; codified at 7 Ill. Reg. 275; repealed at 16 Ill. Reg. \_\_\_\_\_, effective July 1, 1992.

## Section 3205.10 Authority

This Rule is promulgated by the Director of Insurance under Section 401 of the Illinois Insurance Code, which empowers the Director "to make reasonable rules and regulations as may be necessary for making effective . . ." the insurance laws of this State. It is the purpose of this Rule to implement Section 515 of Article XXII of the Illinois Insurance Code.

## Section 3205.20 Definition of "Financing Insurance Premiums"

The term "financing insurance premiums" means to be engaged in the practice of accepting insurance premiums from individuals more than 90 days after the premium is due, or of collecting premiums in installments, portions of which are not collected until 90 days after the premium is due.

## Section 3205.30 Applicable to Insurance Agents/Brokers

An insurance agent or a broker shall be deemed to be engaged in the practice of "financing insurance premiums" if he accepts more than 10% of his total accounts receivable more than 90 days after the premium is due, or if he collects more than 10% of his total accounts receivable in installments, portions of which are not collected until 90 days after the premium is due.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Reports of Indictments and Convictions
- 2) Code Citation: 50 Ill. Adm. Code 3204
- 3) Section Numbers: Proposed Action:  
3204.10 Repealed
- 4) Statutory Authority: Implementing Section 513 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 and 1013)
- 5) A Complete Description of the Subjects and Issues Involved:  
This Part is being repealed pursuant to revisions in the Insurance Code itself. The administrative requirements are being incorporated into the Code by P. A. 87-0811 effective 07/01/92.
- 6) Will this proposed rule replace emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?  
Yes, July 1, 1992.
- 8) Does this proposed repealer contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:  
  
Denise Fuchs, Paralegal Assistant  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767
- 12) Initial Regulatory Flexibility Analysis: The Department



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

has determined that this repealer will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER jj: PREMIUM FINANCE COMPANIESPART 3204  
REPORTS OF INDICTMENTS AND CONVICTIONSSection  
3204.10

Report as to Indictment or Conviction of Licensee

AUTHORITY: Implementing Article XXII and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1065.60 et seq. and 1013)

SOURCE: Filed November 9, 1967, effective December 15, 1967; codified at 7 Ill. Reg. 2371; repealed at 16 Ill. Reg. \_\_\_\_\_, effective July 1, 1992.

Section 3204.10 Report as to Indictment or Conviction of Licensee

Every licensee shall make a written report to the Director of Insurance as to any indictment or conviction of such licensee or any member of a partnership license or of any officer or director of a licensed corporation for any crime in any jurisdiction. Such reports shall be made to the Director of Insurance within ten (10) days after the licensee has knowledge of such indictment or conviction. Traffic violations are not to be reported.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED ADVERTISEMENTS

- 1) Heading of the Part: Carbon Monoxide Emissions
- 2) Code Citation: 35 Ill. Adm. Code 216
- 3) Section Numbers:  
216.382 new section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, and 1028.2.
- 5) A Complete Description of the Subjects and Issues Involved:  
A complete description is contained in the Board's Opinion of June 4, 1992 in R90-23, which Opinion is available from the address below. The proposed regulation grants exception to the emission limit of carbon monoxide from cupolas at the ferrous foundry in Vermilion county owned by General Motors. The regulation requires this foundry to limit its emission of carbon monoxide to 2,000 ppm.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference?  
No
- 9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking is proposed pursuant to Title II of the Illinois Environmental Protection Act. The policy of objectives of that Title are set forth in Section 8 of the Act.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-23 and be addressed to:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED ADVERTISEMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:  
June 5, 1992
- B) Types of small businesses affected:  
None
- C) Reporting, bookkeeping or other procedures required for compliance:  
None
- D) Types of professional skills necessary for compliance:  
None

The full text of the Proposed rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS

## FOR STATIONARY SOURCES

## PART 216

## CARBON MONOXIDE EMISSIONS

## SUBPART A: GENERAL PROVISIONS

## Scope and Organization

## Measurement Methods

## Abbreviations and Conversion Factors

## Definitions

## Incorporations by Reference

Section  
216.100  
216.101  
216.102  
216.103  
216.104

## SUBPART B: FUEL COMBUSTION EMISSION SOURCES

## Fuel Combustion Emission Sources

## Exception, Midwest Grain Products

Section  
216.121  
216.122

## SUBPART C: INCINERATORS

## Incinerators

## Exceptions

Section  
216.141  
216.142

## SUBPART N: PETROLEUM REFINING AND CHEMICAL MANUFACTURE

## Petroleum and Petrochemical Processes

## Polybasic Organic Acid Partial Oxidation Manufacturing Processes

Section  
216.361  
216.362

## SUBPART O: PRIMARY AND FABRICATED METAL PRODUCTS

## Cupolas

## Exception, General Motor's Ferrous Foundry in Vermillion County

Section  
216.381  
216.382

## APPENDIX A Rule into Section Table

## APPENDIX B Section into Rule Table

## APPENDIX C Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, para. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 206: Carbon Monoxide Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 3 Ill. Reg. 47, p. 92, effective November 8, 1979; amended at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; codified at 7 Ill. Reg. 13607; amended in R87-18 at 12 Ill. Reg. 20774, effective December 6, 1988; amended in R90-23 at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART O: PRIMARY AND FABRICATED METAL PRODUCTS

## Section 216.382 Exception, General Motor's Ferrous Foundry in Vermillion County

The standard for carbon monoxide of Section 216.381 does not apply to the existing ferrous foundry located adjacent to Interstate 74 at G Street in Vermillion County, owned by General Motors Corporation on the effective date of this regulation. The emission of carbon monoxide from this foundry shall not exceed 2,000 ppm corrected to 50 percent excess air.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



HAZARDOUS WASTE MANAGEMENT SYSTEM:  
GENERAL

1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM:  
GENERAL

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers: 720.110, 720.111  
Proposed Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R92-1, on May 7, 1992. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period July 1 through December 31, 1991.

The amendment to Section 720.110 adds a definition of "qualified groundwater scientist", which is used in connection with 35 Ill. Adm. Code 725.

The amendment to Section 720.111, adds a reference to the Third Edition, Revision I, of SW-846.

6) Will these proposed amendments replace an emergency rule

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 720.111 incorporates rules and regulations of agencies of the United States, and rules, regulations, standards or guidelines of nationally recognized organizations and associations, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 11, 1992



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section  
720.101 Purpose, Scope and Applicability  
720.102 Availability of Information; Confidentiality of Information  
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section  
720.110 Definitions  
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section  
720.120 Rulemaking  
720.121 Alternative Equivalent Testing Methods  
720.122 Waste Delisting  
720.130 Procedures for Solid Waste Determinations  
720.131 Solid Waste Determinations  
720.132 Boiler Determinations  
720.133 Procedures for Determinations  
720.140 Additional regulation of certain hazardous waste  
Recycling Activities on a case-by-case Basis  
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Types of small businesses affected:

The existing rules affect small businesses involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules require extensive reporting, bookkeeping and other procedures.

D) Types of professional skills required for compliance:

Compliance with the existing rules may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991;

1 at 16 Ill. Reg. , effective amended in R92-

## SUBPART B: DEFINITIONS

## Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.



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units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of

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hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (~~1999~~1991);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (~~1999~~1991); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of



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liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA" or "USEPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by EPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm.

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Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or



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before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance

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with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant



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likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

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Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce



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secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is

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qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the



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systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system.")

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the

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bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association,



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state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to Ill. Rev. Stat. 1991, ch. 111, par. 5201 and 68 Ill. Adm. Code 1380.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

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"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.



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"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each

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cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous



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constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"USEPA" means United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and

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accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 16 Ill. Reg. , effective )

## Section 720.111 References

- a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.



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API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

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ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furl Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.



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GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006)

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488

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"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", August, 1988 (Document number PB89-159396).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

"Test Methods for Evaluating Solid Waste. Physical/Chemical Methods," EPA Publication number SW-846 (Third Edition, September 1986 (Document number PB88-239223) as amended by Revision I (December 1987) and First Update, January, 1988) (Document Number PB89-148076)).

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from USEPA, Number F-90-WPWF-FFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, (202) 475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)



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b) Code of Federal Regulations: Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

- 10 CFR 20, Appendix B (1991)
- 40 CFR 51.100(ii) (1991)
- 40 CFR 60 (1991)
- 40 CFR 61, Subpart V (1991)
- 40 CFR 136 (1991)
- 40 CFR 142 (1991)
- 40 CFR 220 (1991)
- 40 CFR 260.20 (1991)
- 40 CFR 264 (1991)
- 40 CFR 302.4, 302.5 and 302.6 (1991)
- 40 CFR 761 (1991)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 16 Ill. Reg. , effective )

1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 721

3) Section Numbers: 721.122  
Proposed Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R92-1, on May 7, 1992. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period July 1 through December 31, 1991. However, USEPA made no amendments to 40 CFR 261 during this update period. The amendments to this Part relate to correction of an apparent ambiguity in Section 721.122, the definition of the characteristic of corrosivity, noted by a public commenter in R91-13.

The question concerns wastes which are not liquids. According to the comment, there is no method specified in the references to measure corrosivity for non-liquids. The comment indicates that the "customary practice" in Illinois



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is to make a 10% solution or slurry of the waste with water, and measure the pH of the solution or slurry. The comment asked that the Board modify the Section to establish a uniform practice for Illinois.

The Board has proposed to require EPA Test Method 9045 for noncalcareous soils requiring blending with ASTM Type II water to form an aqueous solution prior to pH measurements of solid phase wastes. The Board has also proposed to update several references to the current edition of SW-846.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

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- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 11, 1992

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules require extensive reporting, bookkeeping and other procedures.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Residues of Hazardous Waste in Empty Containers
721.107	PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	
Section	Subpart D: Lists of Hazardous Waste
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.135	Wood Preserving Wastes

721.Appendix A Representative Sampling Methods

721.Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

721.Appendix C Chemical Analysis Test Methods

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Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.Appendix G	Basis for Listing Hazardous Wastes
721.Appendix H	Hazardous Constituents
721.Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Table D	Wastes Excluded by Adjusted Standard
721.Appendix J	Method of Analysis for Chlorinated Dibenzop-dioxins and Dibenzofurans
721.Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332,



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Heading of the Part: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992;

amended in R92-1

at 16 Ill. Reg. , effective

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.122 Characteristic of Corrosivity

a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

- 1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method (35 Ill. Adm. Code 720.121). The EPA test methods for pH are specified as Methods 5.2 Methods 9040, 9041 or 9045 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111. EPA Test Method 9045 for noncalcareous soils requiring blending with ASTM Type II water to form an aqueous solution prior to pH measurements shall be applicable to the pH measurement of solid phase wastes and the results shall be reported as "solid waste pH measured in water".

- 2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111, or an equivalent test method (35 Ill. Adm. Code 720.121).

- b) A solid waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

(Source: Amended at 16 Ill. Reg. , effective

- 1) Code Citation: 35 Ill. Adm. Code 725

- 3) Section Numbers: 725.191, 725.247  
Proposed Action: Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R92-1, on May 7, 1992. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period July 1 through December 31, 1991.

The amendment to Section 725.191 allows an alternate location for a hydraulically downgradient monitoring well where an existing physical obstacle prevents installation at the downgradient limit of the waste management area.

The USEPA rule allows an alternative location provided:



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The location ensures detection that, given the alternate location, is an early as possible of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer...

The Board has proposed to correct this wording to read:

The location ensures detection as early as possible, of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

The amendment to Section 725.247 makes minor corrections to the liability insurance requirement.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:  
This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:  
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-1 and be addressed to:

## POLLUTION CONTROL BOARD

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Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

## 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 11, 1992
- B) Types of small businesses affected:  
The existing rules and proposed amendments affect small businesses involved in the treatment, storage or disposal of hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:  
The existing rules require extensive reporting, bookkeeping and other procedures. The amendment allows a procedure for modifying the required location of downgradient monitoring wells.
- D) Types of professional skills required for compliance:  
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant and registered professional engineer.

The full text of the Proposed Amendments begins on the next page.



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 725

## INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope and Applicability
725.101	Imminent Hazard Action
725.104	

## SUBPART B: GENERAL FACILITY STANDARDS

Section	Applicability
725.110	USEPA Identification Number
725.111	Required Notices
725.112	General Waste Analysis
725.113	Security
725.114	General Inspection Requirements
725.115	Personnel Training
725.116	General Requirements for Ignitable, Reactive or Incompatible Wastes
725.117	Location Standards
725.118	

## SUBPART C: PREPAREDNESS AND PREVENTION

Section	Applicability
725.130	Maintenance and Operation of Facility
725.131	Required Equipment
725.132	Testing and Maintenance of Equipment
725.133	Access to Communications or Alarm System
725.134	Required Aisle Space
725.135	Arrangements with Local Authorities
725.137	

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section	Applicability
725.150	Purpose and Implementation of Contingency Plan
725.151	Content of Contingency Plan
725.152	Copies of Contingency Plan
725.153	Amendment of Contingency Plan
725.154	Emergency Coordinator
725.155	Emergency Procedures
725.156	

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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	Applicability
725.170	Use of Manifest System
725.171	Manifest Discrepancies
725.172	Operating Record
725.173	Availability, Retention and Disposition of Records
725.174	Annual Report
725.175	Unmanifested Waste Report
725.176	Additional Reports
725.177	

## SUBPART F: GROUNDWATER MONITORING

Section	Applicability
725.190	Groundwater Monitoring System
725.191	Sampling and Analysis
725.192	Preparation, Evaluation and Response
725.193	Recordkeeping and Reporting
725.194	

## SUBPART G: CLOSURE AND POST-CLOSURE

Section	Applicability
725.210	Closure Performance Standard
725.211	Closure Plan; Amendment of Plan
725.212	Closure; Time Allowed for Closure
725.213	Disposal or Decontamination of Equipment, Structures and Soils
725.214	Certification of Closure
725.215	Survey Plat
725.216	Post-closure Care and Use of Property
725.217	Post-closure Plan; Amendment of Plan
725.218	Post-Closure Notices
725.219	Certification of Completion of Post-Closure Care
725.220	

## SUBPART H: FINANCIAL REQUIREMENTS

Section	Applicability
725.240	Definitions of Terms as Used in this Subpart
725.241	Cost Estimate for Closure
725.242	Financial Assurance for Closure
725.243	Cost Estimate for Post-closure Care
725.244	Financial Assurance for Post-closure Monitoring and Maintenance
725.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.246	Liability Requirements
725.247	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.248	Promulgation of Forms (Repealed)
725.251	



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## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section  
725.270 Applicability  
725.271 Condition of Containers  
725.272 Compatibility of Waste with Container  
725.273 Management of Containers  
725.274 Inspections  
725.276 Special Requirements for Ignitable or Reactive Waste  
725.277 Special Requirements for Incompatible Wastes

## SUBPART J: TANK SYSTEMS

Section  
725.290 Applicability  
725.291 Assessment of Existing Tank System's Integrity  
725.292 Design and Installation of New Tank Systems or Components  
725.293 Containment and Detection of Releases  
725.294 General Operating Requirements  
725.295 Inspections  
725.296 Response to leaks or spills and disposition of Tank Systems  
725.297 Closure and Post-Closure Care  
725.298 Special Requirements for Ignitable or Reactive Waste  
725.299 Special Requirements for Incompatible Wastes  
725.300 Waste Analysis and Trial Tests  
725.301 Generators of 100 to 1000 kg/mo.

## SUBPART K: SURFACE IMPOUNDMENTS

Section  
725.320 Applicability  
725.321 Design Requirements  
725.322 General Operating Requirements  
725.323 Containment System  
725.325 Waste Analysis and Trial Tests  
725.326 Inspections  
725.328 Closure and Post-Closure Care  
725.329 Special Requirements for Ignitable or Reactive Waste  
725.330 Special Requirements for Incompatible Wastes

## SUBPART L: WASTE PILES

Section  
725.350 Applicability  
725.351 Protection from Wind  
725.352 Waste Analysis  
725.353 Containment  
725.354 Design Requirements  
725.356 Special Requirements for Ignitable or Reactive Waste  
725.357 Special Requirements for Incompatible Wastes  
725.358 Closure and Post-Closure Care

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## SUBPART M: LAND TREATMENT

Section  
725.370 Applicability  
725.372 General Operating Requirements  
725.373 Waste Analysis  
725.376 Food Chain Crops  
725.378 Unsaturated Zone (Zone of Aeration) Monitoring  
725.379 Recordkeeping  
725.380 Closure and Post-closure  
725.381 Special Requirements for Ignitable or Reactive Waste  
725.382 Special Requirements for Incompatible Wastes

## SUBPART N: LANDFILLS

Section  
725.400 Applicability  
725.401 Design Requirements  
725.402 General Operating Requirements  
725.409 Surveying and Recordkeeping  
725.410 Closure and Post-Closure  
725.412 Special Requirements for Ignitable or Reactive Waste  
725.413 Special Requirements for Incompatible Wastes  
725.414 Special Requirements for Liquid Wastes  
725.415 Special Requirements for Containers  
725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

## SUBPART O: INCINERATORS

Section  
725.440 Applicability  
725.441 Waste Analysis  
725.445 General Operating Requirements  
725.447 Monitoring and Inspection  
725.451 Closure  
725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

## SUBPART P: THERMAL TREATMENT

Section  
725.470 Other Thermal Treatment  
725.473 General Operating Requirements  
725.475 Waste Analysis  
725.477 Monitoring and Inspections  
725.481 Closure  
725.482 Open Burning; Waste Explosives  
725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste



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## SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section	Applicability
725.500	General Operating Requirements
725.501	Waste Analysis and Trial Tests
725.502	Inspections
725.503	Closure
725.504	Special Requirements for Ignitable or Reactive Waste
725.505	Special Requirements for Incompatible Wastes
725.506	

## SUBPART R: UNDERGROUND INJECTION

Section	Applicability
725.530	

## SUBPART W: DRIP PADS

Section	Applicability
725.540	Assessment of existing drip pad integrity
725.541	Design and installation of new drip pads
725.542	Design and operating requirements
725.543	Inspections
725.544	Closure
725.545	

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	Applicability
725.930	Definitions
725.931	Standards: Process Vents
725.932	Standards: Closed-vent Systems and Control Devices
725.933	Test methods and procedures
725.934	Recordkeeping Requirements
725.935	

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	Applicability
725.950	Definitions
725.951	Standards: Pumps in Light Liquid Service
725.952	Standards: Compressors
725.953	Standards: Pressure Relief Devices in Gas/Vapor Service
725.954	Standards: Sampling Connecting Systems
725.955	Standards: Open-ended Valves or Lines
725.956	Standards: Valves in Gas/Vapor or Light Liquid Service
725.957	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors
725.958	Standards: Delay of Repair
725.959	Standards: Closed-vent Systems and Control Devices
725.960	Percent Leakage Alternative for Valves
725.961	Skip Period Alternative for Valves
725.962	

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725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

725.965	Appendix A Recordkeeping Instructions
725.966	Appendix B EPA Report Form and Instructions (Repealed)
725.967	Appendix C EPA Interim Primary Drinking Water Standards
725.968	Appendix D Tests for Significance
725.969	Appendix E Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 14 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991;

in R92-1 at 16 Ill. Reg. , effective

## SUBPART F: GROUNDWATER MONITORING

## Section 725.191 Groundwater Monitoring System

- a) A groundwater monitoring system must be capable of yielding groundwater samples for analysis and must consist of:

- Monitoring wells (at least one) installed hydraulically upgradient (i.e., in the direction of increasing static head) from the limit of the waste management area. Their number, locations



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and depths must be sufficient to yield groundwater samples that are:

- A) Representative of background groundwater quality in the uppermost aquifer near the facility; and
- B) Not affected by the facility; and
- 2) Monitoring wells (at least three) installed hydraulically downgradient (i.e., in the direction of decreasing static head) at the limit of the waste management area. Their number, locations and depths must ensure that they immediately detect any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

b) Separate monitoring systems for each waste management component of a facility are not required provided that provisions for sampling upgradient and downgradient water quality will detect any discharge from the waste management area.

- 1) In the case of a facility consisting of only one surface impoundment, landfill or land treatment area, the waste management area is described by the waste boundary (perimeter).

- 2) In the case of a facility consisting of more than one surface impoundment, landfill or land treatment area the waste management area is described by the imaginary boundary line which circumscribes the several waste management components.

- 3) The facility owner or operator may demonstrate that an alternate hydraulically downgradient monitoring well location will meet the criteria outlined below. The demonstration must be in writing and kept at the facility. The demonstration must be certified by a qualified groundwater scientist and establish that:

- A) An existing physical obstacle prevents monitoring well installation at the hydraulically downgradient limit of the waste management area; and

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- B) The selected alternate downgradient location is as close to the limit of the waste management area as practical; and
- C) The alternate location ensures detection as early as possible, of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

- D) Lateral expansion, new, or replacement units are not eligible for an alternate downgradient location under this subsection.

- c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand where necessary to enable sample collection at depths where appropriate aquifer flow zones exist. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and the groundwater.

(Source: Amended at 16 Ill. Reg. , effective )

## SUBPART H: FINANCIAL REQUIREMENTS

## Section 725.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(6):

- 1) An owner or operator may demonstrate the required



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liability coverage by having liability insurance as specified in this paragraph.

- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.
- B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g).
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated

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must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

- 7) An owner or operator shall notify the Agency within 30 days:
  - A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator of an instrument providing financial assurance for liability coverage under this Section; or
  - B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.
- b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual



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aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (b)(2), (b)(3), (b)(4), (b)(5) and (b)(6):

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.
  - A) Each insurance policy must be amended by Attachment of the Hazardous Waste Facility Liability Endorsement or evidence by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.
  - B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.
- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g).
- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial

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test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

- 7) An owner or operator shall notify the Agency within 30 days:
  - A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or
  - B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.
- c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group or facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted in writing to the Agency. If granted, the Agency's action shall take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such



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technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

- d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level must be based on the Agency's assessment of the degree and duration of the risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might

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clarify one or more issues involved in the tentative decision.

- e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.
- f) Financial test for liability coverage.
- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B):
- A) The owner or operator shall have:
- i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and
  - ii) Tangible net worth of at least \$10 million; and
  - iii) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- B) The owner or operator shall have:
- i) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and
  - ii) Tangible net worth of at least \$10 million; and



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- iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
- iv) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).

3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter as specified in 35 Ill. Adm. Code 724.251 is not required.

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

- i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements

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for the latest fiscal year with the amounts in such financial statements; and

- ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

5) After the initial submission of items specified in subsection (f)(3), the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion is cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.

g) Guarantee for liability coverage.

- 1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also



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the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners and operators in subsection (f)(1) through (f)(6). The wording of the guarantee must be as specified in 35 Ill. Adm. Code 724.251. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

B) The guarantee remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 725.247 or 35 Ill. Adm. Code 724.247.

2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

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B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987-1991, ch. 32, par. 5.05) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987-1991, ch. 32, par. 105.05).

h) Letter of credit for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

3) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

i) Surety bond for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.

3) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

j) Trust fund for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection



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and submitting a signed, duplicate original of the trust agreement to the Agency.

- 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1991, ch. 17, par. 1551-1 et seq.)
- 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.
- 4) The wording of the trust fund must be as specified in 35 Ill. Adm. Code 724.251.

(Source: Amended at 16 Ill. Reg. , effective )

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1) Heading of the Part: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

- 2) Code Citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: 722.153, 722.156  
Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R92-1, on May 7, 1992. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period July 1 through December 31, 1991.

The amendments update incorporations by reference of USEPA rules concerning notification and reporting of hazardous waste exports.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.



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8) Does this proposed amendment contain incorporations by reference?

Yes. This Part incorporates rules and regulations of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the generation of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 11, 1992

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses involved in the generation of hazardous waste who export the waste to other countries.

C) Reporting, bookkeeping or other procedures required for

compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. The amendments modify the notification and reporting requirements concerning hazardous waste exports.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

Section 722.110 Purpose, Scope and Applicability

Section 722.111 Hazardous Waste Determination

Section 722.112 USEPA Identification Numbers

Section 722.120 General Requirements

Section 722.121 Acquisition of Manifests

Section 722.122 Number of Copies

Section 722.123 Use of the Manifest

Section 722.130 Packaging

Section 722.131 Labeling

Section 722.132 Marking

Section 722.133 Placarding

Section 722.134 Accumulation Time

Section 722.140 Recordkeeping

Section 722.141 Annual Reporting

Section 722.142 Exception Reporting

Section 722.143 Additional Reporting

Section 722.144 Special Requirements for Generators of between 100 and 1000 kilograms per month

Section 722.150 Applicability

Section 722.151 Definitions

Section 722.152 General Requirements

Section 722.153 Notification of Intent to Export

Section 722.154 Special Manifest Requirements

Section 722.155 Exception Report

Section 722.156 Annual Reports

Section 722.157 Recordkeeping

Section 722.160 Imports of Hazardous Waste

Section 722.170 Farmers

Section 722.180 Appendix A Hazardous Waste Manifest

Section 722.190 Authority: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027).

Section 722.200 SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991;

Section 722.210 16 Ill. Reg. , effective

Section 722.220 SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section 722.230 Notification of Intent to Export

- a) The Board incorporates by reference 40 CFR 262.53 (1986), as amended at 51 Fed. Reg. 28682(1991), as amended at 56 Fed. Reg. 43705, September 4, 1991. This Part incorporates no future editions or amendments.
- b) A primary exporter of hazardous waste shall notify USEPA in accordance with 40 CFR 262.53.
- c) The primary exporter shall send the Agency a copy of the notice sent to USEPA pursuant to subsection (b).



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(Source: Amended at 16 Ill. Reg. , effective )

## Section 722.156 Annual Reports

- a) The Board incorporates by reference 40 CFR 262.56 ~~(1986), as amended at 51 Fed. Reg. 28682(1991), as amended at 56 Fed. Reg. 43705, September 4, 1991.~~ This Part incorporates no future editions or amendments.
- b) Primary exporters of hazardous waste shall file with USEPA, no later than March 1 of each year, a report as specified in 40 CFR 262.56.
- c) The primary exporter shall send the Agency a copy of the report sent to USEPA.

(Source: Amended at 16 Ill. Reg. , effective )

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- 1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Numbers: Proposed Action:  
724.247 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R92-1, on May 7, 1992. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period July 1 through December 31, 1991.

The amendment makes minor technical corrections to the liability insurance requirement in Section 724.247.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.



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- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 11, 1992
- B) Types of small businesses affected:
- The existing rules and proposed amendments affect small businesses involved in the treatment, storage or disposal of hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:
- The existing rules require extensive reporting, bookkeeping and other procedures.
- D) Types of professional skills required for compliance:

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Compliance with the existing rules may require the services of an attorney, certified public accountant and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE  
TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section	
724.101	Purpose, Scope and Applicability
724.103	Relationship to Interim Status Standards

## SUBPART B: GENERAL FACILITY STANDARDS

Section	
724.110	Applicability
724.111	Identification Number
724.112	Required Notices
724.113	General Waste Analysis
724.114	Security
724.115	General Inspection Requirements
724.116	Personnel Training
724.117	General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118	Location Standards

## SUBPART C: PREPAREDNESS AND PREVENTION

Section	
724.130	Applicability
724.131	Design and Operation of Facility
724.132	Required Equipment
724.133	Testing and Maintenance of Equipment
724.134	Access to Communications or Alarm System
724.135	Required Aisle Space
724.137	Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section	
724.150	Applicability
724.151	Purpose and Implementation of Contingency Plan
724.152	Content of Contingency Plan
724.153	Copies of Contingency Plan
724.154	Amendment of Contingency Plan
724.155	Emergency Coordinator
724.156	Emergency Procedures

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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	
724.170	Applicability
724.171	Use of Manifest System
724.172	Manifest Discrepancies
724.173	Operating Record
724.174	Availability, Retention and Disposition of Records
724.175	Annual Report
724.176	Unmanifested Waste Report
724.177	Additional Reports

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section	
724.190	Applicability
724.191	Required Programs
724.192	Groundwater Protection Standard
724.193	Hazardous Constituents
724.194	Concentration Limits
724.195	Point of Compliance
724.196	Compliance Period
724.197	General Groundwater Monitoring Requirements
724.198	Detection Monitoring Program
724.199	Compliance Monitoring Program
724.200	Corrective Action Program
724.201	Corrective Action for Solid Waste Management Units

## SUBPART G: CLOSURE AND POST-CLOSURE

Section	
724.210	Applicability
724.211	Closure Performance Standard
724.212	Closure Plan; Amendment of Plan
724.213	Closure; Time Allowed For Closure
724.214	Disposal or Decontamination of Equipment, Structures and Soils
724.215	Certification of Closure
724.216	Survey Plat
724.217	Post-closure Care and Use of Property
724.218	Post-closure Plan; Amendment of Plan
724.219	Post-closure Notices
724.220	Certification of Completion of Post-closure Care

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
724.240	Applicability
724.241	Definitions of Terms As Used In This Subpart
724.242	Cost Estimate for Closure
724.243	Financial Assurance for Closure
724.244	Cost Estimate for Post-closure Care
724.245	Financial Assurance for Post-closure Care



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724.246 Use of a Mechanism for Financial Assurance of Both  
 Closure and Post-closure Care  
 724.247 Liability Requirements  
 724.248 Incapacity of Owners or Operators, Guarantors or  
 Financial Institutions  
 724.251 Wording of the Instruments

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## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

## SUBPART L: WASTE PILES

Section  
 724.270 Applicability  
 724.271 Condition of Containers  
 724.272 Compatibility of Waste With Container  
 724.273 Management of Containers  
 724.274 Inspections  
 724.275 Containment  
 724.276 Special Requirements for Ignitable or Reactive Waste  
 724.277 Special Requirements for Incompatible Wastes  
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Applicability  
 Design and Operating Requirements  
 Double-lined Piles: Exemption from Subpart F: Ground-  
 water Protection Requirements (Repealed)  
 Inspection of Liners: Exemption from Subpart F:  
 Ground-water Protection Requirements (Repealed)  
 Monitoring and Inspection  
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## SUBPART J: TANK SYSTEMS

## SUBPART M: LAND TREATMENT

Section  
 724.290 Applicability  
 724.291 Assessment of Existing Tank System's Integrity  
 724.292 Design and Installation of New Tank Systems or  
 Components  
 724.293 Containment and Detection of Releases  
 724.294 General Operating Requirements  
 724.295 Inspections  
 724.296 Response to Leaks or Spills and Disposition of Leaking  
 or unfit-for-use Tank Systems  
 Closure and Post-closure Care  
 724.297 Special Requirements for Ignitable or Reactive Waste  
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 F022, F023, F026 and F027

Section  
 724.370 Applicability  
 724.371 Treatment Demonstration  
 724.372 Design and Operating Requirements  
 724.373 Food-chain Crops  
 724.376 Unsaturated Zone Monitoring  
 724.378 Recordkeeping  
 724.379 Closure and Post-closure Care  
 724.380 Special Requirements for Ignitable or Reactive Waste  
 724.381 Special Requirements for Incompatible Wastes  
 724.382 Special Requirements for Hazardous Wastes F020, F021,  
 F022, F023, F026 and F027

## SUBPART K: SURFACE IMPOUNDMENTS

## SUBPART N: LANDFILLS

Section  
 724.320 Applicability  
 724.321 Design and Operating Requirements  
 724.322 Double-lined Surface Impoundments: Exemption from  
 Subpart F: Ground-water Protection Requirements  
 (Repealed)  
 724.326 Monitoring and Inspection  
 724.327 Emergency Repairs; Contingency Plans  
 724.328 Closure and Post-closure Care  
 724.329 Special Requirements for Ignitable or Reactive Waste  
 724.330 Special Requirements for Incompatible Wastes  
 724.331 Special Requirements for Hazardous Wastes F020, F021,

Applicability  
 Design and Operating Requirements  
 Double-lined Landfills: Exemption from Subpart F:  
 Ground-water Protection Requirements (Repealed)  
 Monitoring and Inspection  
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 Closure and Post-closure Care  
 Special Requirements for Ignitable or Reactive Waste  
 Special Requirements for Incompatible Wastes  
 Special Requirements for Bulk and Containerized Liquids  
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 Disposal of Small Containers of Hazardous Waste in  
 Overpacked Drums (Lab Packs)  
 Special Requirements for Hazardous Wastes F020, F021,  
 F022, F023, F026 and F027



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## SUBPART O: INCINERATORS

Section	Applicability
724.440	Waste Analysis
724.441	Principal Organic Hazardous Constituents (POHCs)
724.442	Performance Standards
724.443	Hazardous Waste Incinerator Permits
724.444	Operating Requirements
724.445	Monitoring and Inspections
724.447	Closure
724.451	

## SUBPART W: DRIP PADS

Section	Applicability
724.670	Assessment of existing drip pad integrity
724.671	Design and installation of new drip pads
724.672	Design and operating requirements
724.673	Inspections
724.674	Closure
724.675	

## SUBPART X: MISCELLANEOUS UNITS

Section	Applicability
724.701	Environmental Performance Standards
724.701	Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action
724.702	Post-closure Care
724.703	

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	Applicability
724.930	Definitions
724.931	Standards: Process Vents
724.932	Standards: Closed-vent Systems and Control Devices
724.933	Test methods and procedures
724.934	Recordkeeping requirements
724.935	Reporting Requirements
724.936	

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	Applicability
724.950	Definitions
724.951	Standards: Pumps in Light Liquid Service
724.952	Standards: Compressors
724.953	Standards: Pressure Relief Devices in Gas/Vapor Service
724.954	Standards: Sampling Connecting Systems
724.955	Standards: Open-ended Valves or Lines
724.956	Standards: Valves in Gas/Vapor or Light Liquid Service
724.957	

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724.958	Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors
724.959	Standards: Delay of Repair
724.960	Standards: Closed-vent Systems and Control Devices
724.961	Alternative Percentage Standard for Valves
724.962	Skip Period Alternative for Valves
724.963	Test Methods and Procedures
724.964	Recordkeeping Requirements
724.965	Reporting Requirements

## Appendix A Recordkeeping Instructions

## Appendix B EPA Report Form and Instructions (Repealed)

## Appendix D Cochran's Approximation to the Behrens-Fisher Student's T-Test

## Appendix E Examples of Potentially Incompatible Waste

## Appendix I Groundwater Monitoring List

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991;

amended in R92-1 at 16 Ill. Reg. , effective

## SUBPART H: FINANCIAL REQUIREMENTS

## Section 724.247 Liability Requirements

- a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury



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and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated as specified in subsections (a)(1), ~~(a)(2)~~, ~~(a)(3)~~, ~~(a)(4)~~, ~~(a)(5)~~ or ~~(a)(6)~~:

- 1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this subsection.

- A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

- B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.

- 2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guaratee for liability coverage as specified in subsections (f) and (g).

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- 3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).
- 4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).
- 5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).
- 6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance financial test, guaratee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guaratee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

- 7) An owner or operator shall notify the Agency within 30 days:

- A) Whenever a claim for bodily injury or property damage caused by the operation of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or

- B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.

- b) Coverage for nonsudden accidental occurrences. An



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owner or operator of a surface impoundment, landfill, land treatment facility or disposal miscellaneous disposal unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences shall maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (b)(2), (b)(3), (b)(4), (b)(5) or (b)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability

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Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which is licensed by the Illinois Department of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage as specified in subsection (j).

3) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances under this subsection, the owner or operator shall specify at least one such assurance as "primary" coverage, and shall specify other such assurance as "excess" coverage.

7) An owner or operator shall notify the Agency within 30 days:



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- A) Whenever a claim for bodily injury or property damage caused by the operator of a hazardous waste treatment, storage or disposal facility is made against the owner or operator or an instrument providing financial assurance for liability coverage under this Section; or
- B) Whenever the amount of financial assurance for liability coverage under this Section provided by a financial instrument authorized by subsections (a)(1) through (a)(6) is reduced.

C) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 to a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

D) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of

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facilities, the Agency must adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level shall be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from the operations of accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which must be not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

E) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

F) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator shall have:

- i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and



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- ii) Tangible net worth of at least \$10 million; and
  - iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.
- B) The owner or operator shall have:
- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and
  - ii) Tangible net worth of at least \$10 million; and
  - iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and
  - iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

- 2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).
- 3) To demonstrate that it meets this test, the owner or operator shall submit the following three items to the Agency:

- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f), 724.245(f), 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter as

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specified in Section 724.251 is not required.

- B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
- C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
  - i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
  - ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.
- 5) After the initial submission of items specified in subsection (f)(3), the owner of operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).
- 6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.



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- 7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.

## g) Guarantee for liability coverage.

- 1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners and operators in subsections (f)(1) through (f)(6). The wording of the guarantee must be as specified in Section 724.251. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide that:

- A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation

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of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

- B) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternate liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

- A) The guarantee was signed in Illinois by an authorized agent of the guarantor;  
B) The guarantee is governed by Illinois law; and  
C) The name and address of the guarantor's registered agent for service of process.

- 3) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. ~~1987~~1991, ch. 32, par. 5.05) or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 (Ill. Rev. Stat. ~~1987~~1991, ch. 32, par. 105.05).

## h) Letter of credit for liability coverage.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.
- 2) The financial institution issuing the letter of credit shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Companies.

- 3) The wording of the letter of credit must be as specified in Section 724.251.
- i) Surety bond for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting a copy of the bond to the Agency.
  - 2) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.
  - 3) The wording of the surety bond must be as specified in Section 724.251.
- j) Trust fund for liability coverage.
  - 1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund which conforms to the requirements of this subsection and submitting a signed, duplicate original of the trust agreement to the Agency.
  - 2) The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the corporate Fiduciary Act. (Ill. Rev. Stat. ~~1997~~1991, ch. 17, par. 1551-1 et seq.)
  - 3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, shall either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection, "the full amount of

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage which is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

- 4) The wording of the trust fund must be as specified in Section 724.251.

(Source: Amended at 16 Ill. Reg. , effective )



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) Section Numbers:  
1380.280                      Proposed Action:  
1380.300                      Amendment  
                                 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 5205, 5214, 5219 and 5224.
- 5) A Complete Description of the Subjects and Issues Involved: Section 1380.280(a)(6) was changed to require submission of a complete work history by an applicant who submits a current Council Record and Certification of Verification from the National Council of Engineering Examiners (NCEES) to obtain licensure by endorsement in Illinois.  
  
Section 1380.300 was changed to remove a possible conflict with the Act. Section 14 of the Act states: "The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work prepared by or under the personal supervision of the professional engineer has been prepared and administered in accordance with the standards of reasonable professional skill and diligence." References to licensees sealing designs "reviewed" by them were deleted from subsections (a)(2) and (b)(2) of the rules.  
  
In addition, various punctuation and style changes were made.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not affect local government units.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 8, 1992.
- B) Types of small businesses affected: Professional Engineers.
- C) Reporting, bookkeeping or other procedures required for compliance: All applicants for licensure by endorsement in Illinois will be required to submit a complete work history. Licensees shall approve and seal only those designs prepared by them or under their direct supervision and found to be safe for the public health, property and welfare.
- D) Types of professional skills necessary for compliance:  
Professional engineering skills are required for licensure.

The full text of the Proposed Amendments begins on the next page.



DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF PROPOSED AMENDMENTS

Section 1380.280 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application on forms provided by the Department together with:

- 1) The required fee specified in Section 20 of the Act;
- 2) Proof of meeting requirements substantially equivalent to those in force in this state at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience;
- 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice, including the following:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and,
  - C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.
- 4) A complete work history, on forms provided by the Department.
- 5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.
- 6) In lieu of the documentation specified in subsections (a)(2), (3), (4), and (5), an applicant may submit a current Council Record and Certification of Verification from NCEES.

DEPARTMENT OF PROFESSIONAL REGULATION  
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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380  
THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

- Section
- 1380.210 Approved Engineering Program
  - 1380.220 Definition of Degree in Basic Engineering or Related Science
  - 1380.230 Approved Experience
  - 1380.240 Application for Enrollment as an Engineer Intern by Examination
  - 1380.250 Application for Licensure as a Professional Engineer by Examination
  - 1380.260 Examination
  - 1380.270 Restoration
  - 1380.280 Endorsement
  - 1380.285 Inactive Status
  - 1380.290 Corporations and Partnerships
  - 1380.300 Standards of Professional Conduct
  - 1380.310 Renewals
  - 1380.320 Granting Variances

1380.Appendix A Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing The Professional Engineering Practice Act of 1989 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 5201 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 1991, ch. 127 par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

7) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

8) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, PRIOR TO taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:

- A) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
- B) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.
- C) Applicants not meeting the above requirements at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.

9) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his qualifications.

c) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## Section 1380.300 Standards of Professional Conduct

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of professional engineering, the following Standards of Professional Conduct shall be binding on every person holding a certificate of registration as a professional engineer and on all corporations authorized to practice professional engineering in this State.

a) Professional Responsibility. Licensees shall be responsive to the needs of clients and employers, but shall hold paramount life, health, property and the welfare of the public.

1) Licensees shall at all times recognize that their primary obligation is to protect the life, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the life, health, property or welfare of the public is endangered, they shall notify their client or employer and such authority(ies) as may be appropriate (which may include the Department or other law enforcement agencies).

2) Licensees shall approve and seal only those designs ~~reviewed or~~ prepared by them or under their direct supervision and found to be safe for the public health, property and welfare.

3) Licensees shall not reveal confidential facts, data or information obtained in a professional capacity without the prior consent of the client, except as authorized or required by law.

4) Licensees shall not permit the use of their name or firm's name, nor shall they be associated in business ventures with persons or firms which they have reason to believe to be engaging in fraudulent or dishonest business practices.

5) Licensees having knowledge of any alleged violation of any of this Part shall cooperate with the Department, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.

b) Competence. Licensees shall perform services only in areas of their competence.

1) Licensees shall undertake assignments only when qualified by education and experience in the specific technical field of engineering involved.



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## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) Licensees shall not affix their signature or seal to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared by them or reviewed under their direct supervisory control.
- 3) Licensees may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that all other phases of the project will be performed by registrants qualified in those phases.
- c) Professional Integrity. Licensees shall issue professional statements in an objective and truthful manner.
  - 1) Licensees shall be completely objective and truthful in all professional reports, statements or testimony.
  - 2) Licensees may express publicly a professional opinion on technical subject(s) only when it is founded upon adequate knowledge of the facts and a background of competence in the subject matter.
  - 3) A licensee, when acting as a representative of an individual or organization, shall issue no statements, criticisms, or arguments on engineering matters without first prefacing such comments by explicitly identifying on whose behalf the comments will be made. When the licensee is acting as a consultant, expressing a professional opinion, such opinion shall be prefaced by complete personal identification as a consultant, without necessarily naming the client. Such licensee shall reveal any personal interest in the matter.
- d) Conflict of Interest. Licensees shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflict of interest.
  - 1) Licensees shall conscientiously avoid conflict of interest with their employers or clients. Whenever conflicts of interest appear unavoidable; however, licensees shall disclose promptly to their employers or clients any business association, interest or circumstance which may influence judgment or quality of services.
  - 2) Licensees shall not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project unless the licensee makes full disclosure and receives consent of all interested parties.

## ILLINOIS REGISTER

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 3) Licensees shall not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products except when the licensee is a known employee or agent of the supplier.
- 4) Licensees shall not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer or other party dealing with the licensee's employer or client in connection with work for which the licensee is responsible.
- 5) Licensees in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organization.
- 6) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their firm or organization serves as a member.
- e) Employment Solicitation. Licensees shall avoid improper solicitation of professional employment.
  - 1) Licensees shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure professional assignments.
  - 2) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent or purpose of enhancing their qualifications and/or their work.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
- |         |        |
|---------|--------|
| 140.526 | Repeal |
| 140.527 | Repeal |
| 140.528 | Repeal |
| 140.529 | Repeal |
- 4) Statutory Authority: Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)

5) Complete Description of the Subjects and Issues Involved: The repeal of rules pertaining to the Quality Incentive Program (QUIP) for long term care facilities is required to meet constraints imposed by the Department's necessary budget reductions for Fiscal Year 1993. The affected Sections are 140.526, 140.527, 140.528 and 140.529. These Sections refer to QUIP standards and criteria, the QUIP survey process and payment system, and the appeal process.

QUIP surveys were discontinued in July, 1991, and long term care facilities have been receiving transitional QUIP payments since then. The rule relating to QUIP eligibility factors (Section 140.525) is being retained so that situations that may arise involving the need for retroactive payment adjustments, can be addressed. This is necessary because situations sometimes occur (violations, conditional licenses) which affect the QUIP eligibility of facilities.

The Department estimates the budget reductions resulting from the elimination of QUIP at approximately \$13.8 million. Based on legislative action on the Department's budget and the timing of necessary budget reductions, it may be necessary to adopt these proposed amendments on an emergency basis.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	May 1, 1992 (16 Ill. Reg. 6936)
140.13	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.14	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.15	Amendment	May 22, 1992 (16 Ill. Reg. 7775)
140.16	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.19	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.27	Amendment	January 3, 1992 (16 Ill. Reg. 65)
140.31	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.32	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.33	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.413	Amendment	April 24, 1992 (16 Ill. Reg. 6719)
140.421	Amendment	May 15, 1992 (16 Ill. Reg. 7576)
140.539	Amendment	January 10, 1992 (16 Ill. Reg. 472)
140.543	Amendment	February 28, 1992 (16 Ill. Reg. 3045)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.566	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.579	Amendment	March 6, 1992 (16 Ill. Reg. 3409)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.700	Amendment	May 15, 1992 (16 Ill. Reg. 7576)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Data proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 4, 1992



## DEPARTMENT OF PUBLIC AID

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- B) Types of small businesses affected: Nursing homes, long term care facilities
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under GA
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims



## DEPARTMENT OF PUBLIC AID

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140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

140.27 Assignment of Vendor Payments

140.28 Record Requirements for Medical Providers

140.30 Audits

140.35 False Reporting and Other Fraudulent Activities

140.40 Prior Approval for Medical Services or Items

140.41 Prior Approval in Cases of Emergency

140.42 Limitation on Prior Approval

140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

140.71 Reimbursement for Medical Services Through the Use of a C-13

140.72 Invoice Voucher Advance Payment and Expedited Payments

140.73 Drug Manual (Recodified)

Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER PARTICIPATION FEES

Section

140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

140.95 Hospital Services Trust Fund

140.96 General Requirements (Recodified)

140.97 Special Requirements (Recodified)

140.98 Covered Hospital Services (Recodified)

140.99 Hospital Services Not Covered (Recodified)

140.100 Limitation On Hospital Services (Recodified)

140.101 Transplants (Recodified)

140.102 Heart Transplants (Recodified)

140.103 Liver Transplants (Recodified)

140.104 Bone Marrow Transplants (Recodified)

140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)

140.117 Hospital Outpatient and Clinic Services (Recodified)

140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

140.203 Limits on Length of Stay by Diagnosis (Recodified)

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

Copayments (Recodified)

140.350

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

140.418 Department of Corrections Laboratory

140.420 Dental Services

140.421 Limitations on Dental Services

140.422 Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists

140.425 Podiatry Services

140.426 Limitations on Podiatry Services



## DEPARTMENT OF PUBLIC AID

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140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items -  
Podiatry

140.428 Chiropractic Services

140.429 Limitations on Chiropractic Services (Repealed)

140.430 Independent Laboratory Services

140.431 Services Not Covered by Independent Laboratory

140.432 Limitations on Independent Laboratory Services

140.433 Payment for Laboratory Services

140.434 Record Requirements for Independent Laboratories

140.435 Nurse Services

140.436 Limitations on Nurse Services

140.440 Pharmacy Services

140.441 Pharmacy Services Not Covered

140.442 Prior Approval of Prescriptions

140.443 Filling of Prescriptions

140.444 Compounded Prescriptions

140.445 Prescription Items (Not Compounded)

140.446 Over-the-Counter Items

140.447 Reimbursement

140.448 Returned Pharmacy Items

140.449 Payment of Pharmacy Items

140.450 Record Requirements for Pharmacies

140.452 Mental Health Clinic Services

140.453 Definitions

140.454 Types of Mental Health Clinic Services

140.455 Payment for Mental Health Clinic Services

140.456 Hearings

140.457 Therapy Services

140.458 Prior Approval for Therapy Services

140.459 Payment for Therapy Services

140.460 Clinic Services

140.461 Clinic Participation Requirements (Emergency Expired)

140.462 Covered Services in Clinics (Emergency Expired)

140.463 Encounter Rate Clinic Payment (Emergency Expired)

140.464 Psychiatric Clinics (Hospital-based)

140.465 Speech and Hearing Clinics

140.466 Rural Health Clinics

140.467 Independent Clinics

140.469 Hospice

140.470 Home Health Services

140.471 Home Health Covered Services

140.472 Types of Home Health Services

140.473 Prior Approval for Home Health Services

140.474 Payment for Home Health Services

140.475 Medical Equipment, Supplies and Prosthetic Devices

140.476 Medical Equipment, Supplies and Prosthetic Devices for Which  
Payment Will Not Be Made

## DEPARTMENT OF PUBLIC AID

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140.477 Limitations on Equipment, Supplies and Prosthetic Devices

140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic  
Devices

140.479 Limitations, Medical Supplies

140.480 Equipment Rental Limitations

140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices

140.482 Family Planning Services

140.483 Limitations on Family Planning Services

140.484 Payment for Family Planning Services

140.485 Healthy Kids Program

140.486 Limitations on Medichuk Services (Repealed)

140.487 Healthy Kids Program Timeliness Standards

140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory  
Procedures

140.490 Medical Transportation

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140.994 TABLE K Services Qualifying for 10% Add-On  
140.996 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On  
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act  
(Ill. Rev. Stat. 19891991, ch. 111 1/2, par. 6503-1 et seq.) and implementing  
and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the  
Illinois Public Aid Code (Ill. Rev. Stat. 19891991, ch. 23, pars. 3-1 et seq.,  
4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule  
repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982;  
emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum  
of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended  
at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308,  
effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983;  
emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum  
of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at  
7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868,  
effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047,  
effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December  
21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency  
amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150  
days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective  
February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984;  
amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg.  
6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16,  
1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a  
maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984;  
amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8  
Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended  
at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779,  
effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm.  
Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with  
no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill.  
Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,  
effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677,  
effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29,  
1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency  
amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of  
150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency  
amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150  
days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9  
Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677,  
effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985;  
amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at  
9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended



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at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207; Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a

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maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill.



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Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 208, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.526 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART E: GROUP CARE

## Section 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

- a) The five quality incentive standards and the criteria for each are listed in the following subsections. These criteria shall be evaluated by the Department using a standardized assessment instrument.
- 1) The assessor will evaluate the level of achievement relying on the documentation provided, direct observation and resident and staff interviews.
  - 2) The burden of proof rests with the facility to demonstrate the inapplicability of the QUIP standard for any resident through precise documentation in existence at the time of the assessment.
  - 3) For purposes of this Section, documentation will mean as written

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## Section 140.526(a)(3) (continued)

and specified in the required comprehensive care plan, nursing chart, activity records or community contact logs. Documentation will require specificity such that the assessor will not need additional interpretation from facility staff as to the reasonableness of the facility assertion regarding resident choices, needs, capabilities, progress, goals, activities and contacts. Documentation must relate specific information about resident diagnoses or impairment as necessary to support said assertions.

- b) Functional C-Sensory-Stimulating-Environment. This standard requires that the resident's environment promotes maximum independence and physical and mental functioning and leads meaning to life. Achievement of the standard will be demonstrated through on-site observation and evaluation of the facility environment, including the interior and exterior areas of the facility, and the furniture and fixtures in these areas.

- 1) The QUIP instrument will assign the following maximum points for this standard to each of the following areas:

A) Exterior	18 points
B) Interior---General	18 points
C) Interior---Congregate Areas	36 points
D) Communication Aids	42 points
E) Resident Rooms	30 points
F) Resident Toilet Rooms	24 points
G) Recreation Areas	18 points
H) Dining Area and Meals	18 points
2) If a criterion (item) in areas identified in subsections (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(1)(D), (b)(1)(E) and (b)(1)(H) is not applicable to a facility, the assessor will enter N/A (not applicable) opposite the item on the assessment instrument and award the maximum score possible per item.	
3) Resident rooms and toilet areas will be evaluated using a two point measurement scale for each attribute for each room	



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## Section 140.526(b)(3) (continued)

observed.---Four resident rooms and adjoining toilet rooms in each unit will be evaluated.---In addition, four bath rooms will be evaluated unless fewer than four are available in which case all will be evaluated.---For other areas of evaluation, scores will be assigned for each criterion on a range of points, where 0 represents that minimum standards are not exceeded--2 represents that minimum standards sometimes or to a limited degree are exceeded, and 6 represents that standards are greatly or consistently exceeded.

4) Ten criteria will be used to evaluate the eight facility areas identified above, as appropriate.---The criteria are:

- A) Facility cleanliness, fresh smelling, free of dirt, crumbs and clutter, free of stains or spots, in good repair.
- B) Bright and cheerful resident rooms which are personalized and colorful.
- C) Personal possessions in resident's room, such as pictures, furniture, wall hangings and decorations.
- D) Provision for privacy, i.e., the staff is considerate of resident needs.
- E) Sensory compensating equipment, e.g., large print menus, talking books, visual cues to differentiate areas of home and adaptive equipment aids.
- F) Communication enhancers, e.g., furniture arrangement and communication boards.
- G) Residential atmosphere in congregate living space which promotes mobility and conversation, stimulating and vibrant.
- H) Presence of living things, e.g., pets and plants.
- I) Special purpose rooms for small and large group gatherings and special activities, e.g., library, including current magazines or newspapers, and music appreciation room. Magazines will be considered current when no more than three months old, newspapers when no more than two days old.
- J) Dining area atmosphere, i.e., meals and room promote

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## Section 140.526(b)(4)(J) (continued)

socialization and self-help and are attractive and appealing.

e) Resident Participation and Choice.---This standard requires that the resident enjoys a full scope of varied activities which offer continuity and opportunities for choice.---A facility must meet the level of achievement on both of the following two criteria in order to demonstrate that the standard has been met.

1) Quality of the participation.---This criterion requires that a quality plan of social/recreational activities will be established for all residents.---Achievement will be measured by reviewing a targeted sample of care plans, which will be selected as follows:

A) The sample will consist of 10%, but no less than 10 residents and a maximum of 20 residents, unless fewer than 10 residents are eligible for review live in the facility, in which case, all of them must be included in the sample. Residents to be targeted for this sample whenever possible are residents who the assessor judges are least likely to have quality plans, as gauged by the assessor's observation of their inactivity, tenure in the facility, unique activity needs or social/behavioral problems.

B) A score is derived by determining that the facility has established a quality plan of social/recreational activities.---Each of the following five attributes of the plan when scored will be weighted equally and achievement determined by identifying the average percent of those attributes present in the social/recreational plans which are reviewed.---The plan must be:

- i) related to resident interests and social ties, as expressed by the resident or family or friends of the resident;
- ii) individualized, i.e., the plan differentiates activities for residents based on differences in needs, abilities and interests;
- iii) related to and included in the comprehensive care plan;
- iv) current, i.e., updated at least quarterly or more often as needs change (there must be evidence that



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## Section 140.526(c)(1)(B)(iv) (continued)

goals are adjusted, as needed).

- v) designed to provide opportunities for resident selection of own activities (or family/guardian participation in the selection, as appropriate).

2) Level of Resident Participation--This criterion requires that residents are meaningfully engaged in accordance with approved care plans. Achievement will be measured by observing all residents at two distinct periods of peak activity during a day. These times must be identified by the facility and may vary by day of the week.

A) Level of achievement will be determined by identifying the percentage of residents meaningfully engaged at peak times. These residents who are prohibited from being meaningfully involved, as documented by physician orders, are exempt from this assessment.

B) The list of activities which constitute being meaningfully engaged include group activities, verbal interchange or personal interactions with other people, and individual or independent activities. It would not include aimless wandering, being unoccupied but awake in bed and staring into space.

a) Community and Family Participation--Facilities must demonstrate high levels of community and family involvement in the facility and of resident involvement in the community. A facility must achieve both of the two criteria in order to receive the incentive payment for this standard.

1) Level of Participation--The facility must demonstrate that residents are interacting with community representatives or engaged in community work an average of two hours per week per resident. This participation may involve volunteers or family in the facility or residents involved or volunteering in the community. Achievement will be measured by reviewing facility records which document the number of hours and types of hours in which residents are involved in the community or interacting with community visitors during individual months. Two months of the last six will be assessed.

A) Types of hours which must be documented in a log are:

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## Section 140.526(d)(1)(A) (continued)

i) Family contacts, e.g., home visits or visits from relatives.

ii) Volunteer one-on-one visitor, personalized contact.

iii) Group contact or presentations, e.g., choirs, speakers and luncheons.

iv) Residents as volunteers.

v) Residents outside of the facility (excluding home visits).

vi) Other contacts.

B) The level of contacts calculated to meet the standard has the following restrictions:

i) No more than 25% of the required contact hours, i.e., number of residents multiplied by 8.6 as stated in subsection (d)(1), may be family related.

ii) Each home visit will count as two contact hours unless the visit is less than two hours in which case, the actual number of hours is counted.

iii) No more than 10% of the required contact hours, i.e., number of residents multiplied by 8.6 as stated in subsection (d)(1), may be non-individualized, e.g., group presentations.

iv) Hours will not be counted for community visitors required to be in the facility (e.g., therapists and ombudsmen).

v) Hours spent outside of the facility in required programs will not be counted (e.g., day programming).

2) Quality of Participation--Achievement will be measured by reviewing the types of contacts which the facility has documented. The last six months of records will be reviewed. Achievement will be determined by scoring the contacts according to eight criteria which will be weighted equally. A score of 0 through 6 will be assigned to each criterion, where 0 represents that the criterion is rarely present, 3 represents that



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Section 140.526(e) (continued)

Section 140.526(d)(2) (continued)

- 1) The sample will consist of 10%, but no less than 10 residents and a maximum of 20 residents unless fewer than 10 residents eligible for review live in the facility, in which case, all of them must be included in the sample. Eligible residents are those residents with the ability to evaluate the criteria as reflected in the resident's comprehensive care plan or those residents who have representatives to respond in their behalf. Achievement will be measured by interviewing residents in regard to ten criteria. Family members or guardians may be interviewed when residents, as reflected in the comprehensive care plan, cannot comprehend or respond to an interview. The level of achievement will be determined by adding the total points earned in the aggregate and calculating the points earned as a percentage of points possible.
  - 2) For these residents, or their guardians as appropriate, each of the following ten (10) criteria will have the same maximum points. In addition, for each criterion, there will be five equally weighted choices of responses. Points will be assigned based on the degree to which the facility demonstrates the attribute, in the resident's opinion. The criteria for this quality incentive standard include the residents, for their representatives.1) A) Sense of physical safety, B) Perception of facility's cleanliness, C) Satisfaction with quality of food experience, D) Satisfaction with effectiveness and responsiveness of health care team, E) Sense of resident being treated with dignity, F) Resident retention of freedom of choice, G) Belief that resident is being assisted to perform activities as independently as possible, H) Sense of resident continuity with past experience, roles, and persons, I) Satisfaction with interpersonal relations within the facility (e.g., resident has a confidant who is a staff member).
- criticism is sometimes present, and 6 represents that the criterion is consistently present. Level of achievement will be calculated by deriving points earned as a percentage of total points possible. If a criterion (item) in Quality of Participation is not applicable to a facility, the assessor will enter N/A (not applicable) opposite the criterion on the assessment instrument. The maximum score possible per criterion, 6, is multiplied by the number of criterion marked N/A. This score is deducted from the maximum score possible, 48, and the resulting score multiplied by the required percentage (10% or 80%) for the applicable eligibility period to determine the score needed. The eight criteria follow:
- A) Diversity in scope of programs, i.e., varied types of contacts and involvement allow most residents to benefit.
  - B) Resident choice of programs, i.e., maximum opportunities for resident selection of types of contacts are available.
  - C) Appropriateness of activities to residents' physical, emotional and intellectual needs, i.e., available contacts address resident limitations, and are appropriate to resident capabilities.
  - D) Innovativeness, i.e., facility tries new approaches to increase ties to community.
  - E) Appropriate involvement of special populations, i.e., facility adapts programs to involve residents with special care needs.
  - F) Maintenance of normal relationship of resident to his/her community.
  - G) Appropriate mix of activities inside and outside of the facility, i.e., enclosures are regularly scheduled.
  - H) Appropriate level of physically active involvement, i.e., community resident activities encourage active involvement as well as listening and observing.
  - I) Resident Satisfaction. A sample of consumers of the facility's services or family members or guardians express a high level of satisfaction regarding aspects of the resident's life that the facility affects.



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.526(e)(2)(1) (continued)

member†† and†

†† Feeling that resident privacy is respected.

f) Effective Patient Care Management†--There is a demonstrated emphasis on achievement of care plan goals and provision of intensive intervention programs in the facility.† A facility may qualify for either component to receive half of the full incentive payment for the standard.† To qualify for the full payment, the facility must meet the requirements for both components.

1) Achievement of care plan goals†--A facility will meet this criterion by assisting residents to gain greater functional independence.† The criterion requires that care plan goals are established for all residents and that progress achieved toward these goals is to be documented monthly.† Achievement will be measured using a sample of residents as outlined in subsection (c)(1)(A) of this Part.† Achievement will be measured in terms of progress toward goals identified in the last six months.† Level of achievement will be determined by calculating the points earned as a percentage of points possible.† The IDPA assessor shall review care plans, approve care plan goals and compare resident functioning to care plan goals.

A) Goals will be selected that are appropriate to the resident.† At a minimum, two physiological, one psychological and one sociological goal must be selected.

B) A facility receives two (2) points for each of five goals achieved for each resident† one (1) point when movement toward the goal is made but the goal is not achieved† and zero (0) points when no movement is achieved.

2) Intensive intervention programs†--A facility must implement intensive nursing and related programs appropriate to the resident population from the list of ten categories in Section 140.526(f)(2)(B) of this Part.† For the June 1985 assessment, three programs are required.† For assessments after July 1, 1985, four programs are required.† The facility must identify the programs to be assessed, equal in number to the number of programs required.† IDPA will assess whether the programs identified by the facility meet the qualifications in Section 140.526(f)(2)(A) and address the needs of the residents of the facility.

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NOTICE OF PROPOSED AMENDMENTS

Section 140.526(f)(2) (continued)

A) The programs must be currently operating with†

i) defined program goals and patient specific objectives†

ii) established treatment protocols and procedures or for Advanced Nurse Aide Training, specific training outlines†

iii) mechanisms for ongoing monitoring and evidence of progress notes and of modifications in procedures or outlines based on monitoring results†

iv) established evaluation criteria and methodology† and

v) a list of program participants and evidence of participation.

B) Ten categories of intensive intervention programs have been identified.† The intent of these programs must be to reduce disability and medical complications that result in great suffering and economic costs in the facility.† The conditions targeted must be those which are prevalent in the facility† accompanied by a high incidence of disability, suffering and costly care† and which are responsive to directed, intensive programs of intervention.† The programs are†

i) Intensive Skin Care Program†

ii) Bowel and Bladder Program†

iii) Accident Monitoring and Evaluation Program†

iv) Contracture Prevention and Treatment Program†

v) Behavior Problem Management Program†

vi) Restorative Nursing Program†

vii) Community Integration Program†

viii) Discharge and Transfer Plan Program†

ix) Advanced Nurse Aide Training Program† and†



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## Section 140.526(f)(2)(B) (continued)

- ii) Innovative Programs. Appropriate to the Needs of the Facility's Resident Population. -- Programming for residents with Alzheimer's Disease is a suitable choice under this category, in facilities having Alzheimer's Populations.
- c) Only one program for each category of programs listed above will qualify during the assessment, except that:
- i) Intermediate Care Facilities for the Developmentally Disabled and Skilled Pediatric Nursing Facilities may designate and qualify for two innovative programs.
- ii) Facilities may designate a second innovative program if that program is directed at a special resident population comprising at least 20% of the full census of
- iii) Facilities may designate a second innovative program directed at residents with Acquired Immunodeficiency Syndrome (AIDS) or AIDS-Related Complex (ARC). -- Such a program could be developed in anticipation of admitting residents with AIDS to a facility. -- In the absence of AIDS residents, an AIDS-intensive intervention program will qualify as one of the four required programs for one assessment. -- In subsequent eligibility periods, the facility must house at least one resident with AIDS in order for the AIDS intervention program to continue in a qualifying status.
- iv) Facilities may designate two Advanced Nurse Aide Programs. -- These programs must be based on progressive levels of skill or proficiency.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.527 Quality Incentive Survey (Repealed)

- a) An IDPA assessor shall conduct an assessment of a facility's achievement of the Quality Incentive Standards semi-annually. -- The IDPA assessor shall utilize the QIP instrument to evaluate whether or not a facility meets the five basic qualifications as outlined in Section 140.526 and has achieved one or more of the quality incentive

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 140.527(a) (continued)

- standards as outlined in Section 140.526. -- The assessment will be conducted according to the schedule outlined in Section 140.528(d) of this Part.
- b) If an IDPA assessor discovers a serious problem in a facility's care of services during the assessment, he or she will discuss it with the facility and the IDPA regional supervisor. -- If the regional supervisor finds that the problem seriously jeopardizes the health, safety or welfare of residents, he/she will submit a written report to the Department of Public Health.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 140.528 Payment of Quality Incentive (Repealed)

- a) The QIP payment maximum is \$2.00 per day per resident.
- b) The allocation of payment among Quality Incentive Standards shall be as follows: -- Fifty percent (50%) of the incentive dollars will be allocated to the first four standards under Sections 140.526(b) through (e). -- That allocation will be divided equally among the four standards. -- The remaining 50% will be allocated for standard (f) under that Section. -- "Effective Patient Care Management."
- c) The quality incentive assessment will be conducted once a year concurrently with the annual inspection of care survey. -- The rate will become effective on the facility's annual nursing IGC rate adjustment date.

- d) The Department shall provide written notification to the facility of the amount of the QIP per diem payment within 45 days of the written notification of achievement.

- e) If a facility loses its Medicaid certification or State licensure or fails to continue satisfying the basic qualifications under Section 140.526-(b), the Department shall terminate immediately any quality incentive payment(s). -- If the facility alters the program(s) upon which the QIP incentive payment is based, the Department will reassess the altered program(s). -- If the reassessment results in a finding that the facility no longer qualifies for QIP, IDPA will cancel the QIP payment(s) after 10 days written notice from the Chief of the Bureau of Long-Term Quality Care to the facility.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 140.529 Reviews (Repealed)

a) A facility is entitled to review of its quality incentive assessment and QUIP rate in accordance with the following procedure. Each step of this procedure is a precondition to the next step. In other words, a facility must present all disagreements at the Fact Finding Session and/or Exit Conference to receive any other review and must have such an Exit Conference and a first level review to receive a second level review.

b) On the last day of the on-site assessment, the assessor will conduct a Fact Finding Session.

1) At the time of the Fact Finding Session, the assessor will identify to the facility:

- A) the dates and times at which the assessment was conducted;
- B) the standards of the assessment which were completed and the reasons for non-completion;
- C) the documents reviewed as evidence of achievement or non-achievement of any standard;

D) the time periods, if any, in which activity levels were observed; the names of the residents observed not to be meaningfully engaged, and the basis used for calculating scores;

E) the rooms and areas of the facility visited and observed.

2) The assessor will give the facility the opportunity to comment on or contest the evidence used as the basis of the assessment and will record those comments and contested areas.

3) The assessor will accept additional documentation the facility may present as evidence for the assessment.

4) The assessor and facility representative will sign the QUIP Fact Finding Session form.

e) Within twenty (20) working days after the completion of the QUIP assessment, the Regional Supervisor will advise the facility in writing of its achievement and/or non-achievement of the Quality Incentive Standards. This notification will include a copy of the completed assessment instrument and notice to the facility that it can receive a first level review. It will identify where a request

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 140.529(c) (continued)

for such review must be sent and the time limits within which such request must be made. For purposes of this subsection, the notice date will be either the date on which the written notice is sent by certified mail or the date on which the Department hand-delivers the written notice to the facility. The assessment is not concluded until a copy of the completed assessment instrument has been provided to the facility and an Exit Conference is conducted. (Exception--A completed copy of the Resident Satisfaction segment will not be provided to the facility.)

a) An Exit Conference will be conducted between the assessor and the facility within ten (10) working days of the mailing date or hand delivery date of the above notification.

1) During the Exit Conference, the assessor will discuss:

- A) assessment dates and hours;
  - B) reason basic eligibility not met;
  - C) parts completed;
  - D) parts not completed and reasons;
  - E) names of residents not meaningfully engaged, if applicable;
  - F) rooms and areas visited;
  - G) assessment results;
  - H) the average score of the facility for each question asked on the Resident Satisfaction segment of the assessment;
  - I) questions raised by facility;
  - J) parts contested at this time; and
  - K) procedures for requesting First Level Review.
- 2) The assessor will not identify those interviewed for assessment of Resident Satisfaction.
- 3) During the Exit Conference, the facility may present additional supporting documentation that had been in place prior to the time of the QUIP Assessment. If additional documentation is



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## NOTICE OF PROPOSED AMENDMENTS

## Section 140.529(d)(3) (continued)

presented during the Exit Conference, the assessor will complete a form indicating whether a new recommendation will be forwarded to the regional supervisor. A copy of the form will be left with the facility. No additional supporting documentation will be accepted following the Exit Conference.

- 4) Based upon the newly presented documentation, the assessor will determine whether to give a new recommendation to the Regional Supervisor. If a new recommendation is made to the Regional Supervisor, the Regional Supervisor must notify the facility in writing of the results of the new recommendation within 20 working days of the Exit Conference.

- 5) The assessor and facility representative will sign the QUP, Exit Conference Checklist and Summary.

## e) First-level review

- 1) Request for review

A) To request a review of the findings of the assessor, the facility must submit a written request to the address stated in the Regional Supervisor's notification, as identified in Section 140.529(c), within ten (10) working days of:

- i) the date of the Exit Conference, in the event that the assessor did not act upon new documentation presented at the Exit Conference; or

- ii) the date of mailing of the Regional Supervisor's written notice following the Exit Conference.

- B) For purposes of this subsection, "submit" means either the date the request is mailed, as evidenced by a United States mail postmark or the date on which the request is hand delivered to the Department at the address specified in the assessor's notification.

- 2) The written request for first-level review must contain a comprehensive explanation of the facility's contentions regarding the assessor's findings, and may be accompanied by supporting documentation that had been in place prior to the time of the QUP Assessment and was presented for review up to and including the Exit Conference.

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## Section 140.529(e) (continued)

- 3) The Area Supervisor will review the assessor's findings, along with the facility's request for review, to determine if such findings are correct or incorrect. The review will be limited to questions of fact supported by data presented up to and including the Exit Conference. The Area Supervisor's determination will evaluate whether all relevant evidence was considered in the original findings, whether the instrument was correctly applied, and whether procedures were followed consistent with Sections 140.526 through 140.529 of this Part.

- 4) The Area Supervisor will send written notification to the facility by certified mail of the determination of the first level review within forty-five (45) working days of the receipt of the facility's request for review. This notification will include, if applicable, specific reasons why the facility's request for a higher QUP rating was denied. This notification will also inform the facility that it can receive a second-level review and will identify where a request for such review should be sent and the time limits within which such request should be made.

## f) Second-level review

- 1) If the facility is not satisfied with the results of the first level review, it may request a second-level review. To do so, the facility must submit a written request to the address stated in the Area Supervisor's letter (see Section 140.529(d)(4) above) within ten (10) working days of receipt of the Supervisor's notification. For purposes of this subsection, "submit" means either the date the request is mailed, as evidenced by a United States mail postmark or the date on which the request is hand delivered to the Department at the address specified in the assessor's notification.

- 2) The written request must contain a comprehensive explanation of the facility's contentions regarding the Area Supervisor's determinations.

- 3) The Chief of the Bureau of Long-Term Care will review the Area Supervisor's determinations, the assessor's findings, the facility's request for first-level review, and the facility's request for second-level review, to determine if the Area Supervisor's determinations are correct or incorrect. Evidence that was not available to the Area Supervisor will not be considered. The Bureau Chief will reverse the Area Supervisor's



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Section 140.529(f)(3) (continued)

determinations only if it is demonstrated that the Supervisor did not consider relevant evidence or find the Supervisor's determinations against the weight of the evidence.

4) The Bureau Chief will send by mail written notification to the facility of the determination of the second level review within forty-five (45) working days of the receipt of the facility's request for second level review. This notification will include if applicable, specific reasons why the facility's request for a higher QIP rating was denied. No other administrative review will be available.

g) Interim review

1) To request an interim QIP review, the facility must submit a written request to the Bureau of Long-Term Quality Care Bureau Chief within 180 days from the last IOC/QIP assessment.

2) The written request must identify the part(s) that the facility wants assessed. Only those part(s) requested will be given a QIP assessment. No documentation is required.

3) The Bureau Chief will notify the facility within 45 days of receipt of the request that the request has been received and forwarded to the appropriate region.

4) The interim QIP assessment will be conducted within 60 days from the notification from the Bureau Chief.

5) The new QIP rate, if applicable, will be effective for the final six months of that facility's rate year.

6) First and second level appeals can be made based on instruction identified under this Section.

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Section Numbers:

672.100

672.105

672.200

672.205

672.210

672.215

672.225

672.300

672.405

672.415

672.420

672.450

672.505

672.510

672.515

672.615

672.625

672.Appendix A

Proposed Action:

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

4) Statutory Authority:

The WIC Vendor Management Act

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Vendors expressed concern that the fifteen dollar (\$15) non-refundable processing fee for rejected Food Instruments would have imposed an undue burden on small businesses. The Department concurred and is proposing the removal of fees associated with the rejection of Food Instruments. Since the rules have been in effect for one year, the Department has found several areas that require further clarification or are no longer necessary. For example, the resubmission of rejected Food Instruments has been simplified by requiring less paperwork on the part of the vendor, and has been expanded to allow another rejection reason to be resubmitted. To clarify the application and authorization process, vendors must be notified in writing of approval to attend a training class. The method used to calculate geographic distribution of vendors have been revised to better serve clients needs. Sections which involve vendor violations, sanctions, terminations and



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

administrative hearings have been simplified so that vendors may better understand program requirements. The Regional Map has been defined to better identify Region 9.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes    No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes    No X

If "yes," please specify the date:                     

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes    No X

If "yes," please specify type: 6.02(a)    or 6.02(b)   

9) Are there any other Proposed Amendments Pending on this Part?

Yes    No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will not expand, contract or create a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Grocery Stores, Pharmacies, and dairy stores.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

## PART 672

## WIC VENDOR MANAGEMENT CODE

## SUBPART A: GENERAL PROVISIONS

Section	
672.100	Definitions
672.105	Incorporated Materials
672.110	Purpose
672.115	Application of These Rules

## SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section	
672.200	Geographic Distribution and Number of Vendors
672.205	Application Procedures
672.210	Authorization Criteria and Procedures
672.215	WIC Food List and Quantities
672.220	Criteria for Denial of Initial Authorization
672.225	Denial of Authorization

## SUBPART C: WIC VENDOR EDUCATION

Section	
672.300	Initial WIC Retail Training by the Department
672.305	Initial WIC Retail Training by a Vendor
672.310	Annual WIC Retail Training Program
672.315	Compliance Training Workshop

## SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section	
672.400	Authorization
672.405	WIC Vendor Contract Requirement
672.410	Expiration of WIC Vendor Authorization and Contract
672.415	Food Instrument Processing
672.420	Specifications for Rejection of Food Instruments
672.425	WIC Retail Vendor Responsibilities
672.430	Payment Obligation
672.435	Conflict of Interest

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672.440	Unlawful Discrimination
672.445	Amendments Resulting From a Change in Statute or Regulation
672.450	Assignment or Transfer
672.455	Civil Law Suits
672.460	Voluntary Withdrawal from the WIC Vendor Contract
672.465	Notices

## SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section	
672.500	Compliance Monitoring Inspections
672.505	Violations
672.510	WIC Vendor Sanctions
672.515	Criteria for Termination of Authorization and Fine Assessment
672.520	Termination of Authorization and Fine Assessment
672.525	Notice of Violation

## SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section	
672.600	Applicability
672.605	Parties to Hearings
672.610	Appearance and Representation of a Party
672.615	Commencement of an Action
672.620	Motions
672.625	Discovery
672.630	Form of Papers
672.635	Service
672.640	Pre-Hearing Conferences
672.645	Conduct of Hearings
672.650	Subpoenas
672.655	Burden of Proof
672.660	Hearing Officer's Report and Final Decision
672.665	Records of Proceedings
672.670	Miscellaneous

## Section 672. Appendix A Illinois Regional Map

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by The WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.)



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SOURCE: Adopted at 14 Ill. Reg 19984, effective, December 1, 1990; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 672.100 Definitions

"Act" means The WIC Vendor Management Act. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7551 et seq.).

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses ~~has accepted~~ a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Contested Case" shall have the meaning ascribed it in Section 3.02 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1989, ch. 127, par. 1003.02)

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"Department Estimated Cost" means self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region from the Vendor Price Survey.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

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"Director" means the Director of the Illinois Department of Public Health or his designee.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"Hearing Officer" means the person authorized by the Director or his designee to preside at the formal administrative hearing.

"IAPA" means the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1989, ch. 127, par. 1001)

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC Foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods, from a Vendor, to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants in a given region divided by the total number of WIC Retail Vendors in the same region.



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"Pharmacy" means any store, or shop, department, or other place, at a fixed and permanent location, where drugs, medicines, poisons, and ~~or~~ liquid foods, prescribed by dentists, veterinarians, and a physicians licensed to practice medicine in all its branches, for an individual, are dispensed, and ~~or~~ sold or offered for sale at retail value by a licensed pharmacist.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is a type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" mean the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children as updated. 7 CFR 246 (1990)

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants or Proxies of WIC Participants.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"WIC Food List" means the published list of State of Illinois authorized WIC Foods.

"WIC Foods" mean those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally

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qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants.

"WOMEN INFANTS AND CHILDREN NUTRITION PROGRAM" AND "WIC" MEAN THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN INFANTS AND CHILDREN authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.105 Incorporated Materials

a) The following materials are incorporated or referenced in various Sections of the Part:

- 1) The WIC Vendor Management Act, (P.A. 86-138 effective August 3, 1989)
- 2) USDA WIC Regulations, 7 CFR Part 246 (September 1990)
- 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.11-1 et seq.) (Sections 672.210(a)(5) and (7) and 672.435)
- 4) Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3 and 33E-4). (Section 672.210(a)(10))
- 5) Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 2-102(a)) (Section 672.440)
- 6) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440).

b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.

d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Admin. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield).



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Illinois 62761).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.200 Geographic Distribution and Number of Vendors

Prior to offering an application to a potential Applicant vendor ~~Upon receipt of the Application~~, the Department shall utilize Participant/Vendor Ratios and shall consider Participant needs within geographical locations to determine if the Applicant meets the Regional Participant/Vendor Ratio to be eligible for selection. The Participant/Vendor Ratio shall be calculated for the geographic regions within the State of Illinois (see Appendix A) to determine the need for WIC Retail Vendors within such regions. Participant/Vendor Ratios for each of the nine (9) regions within Illinois shall be:

- a) Regions one (1) through six (6) shall be greater than 40, but shall be less than 60. Regions seven (7) and eight (8) shall be greater than 100, but shall be less than 160. Region nine (9) shall be greater than 75, but less than 175 until September 30, 1992; however, effective October 1, 1992, region nine (9) shall be greater than 145, but less than 175. ~~Regions one (1) through six (6) shall be greater than 40, but less than 120.~~
- b) With the exception of a Pharmacy, if an Applicant applies for WIC Authorization in a region which has more vendors than the minimum number of vendors allowed in the region, the Applicant shall not be authorized unless the Applicant agrees to charge the Department a maximum of ninety-five percent (95%) or less of the Department Estimated Cost for WIC foods and agrees not to exceed this ninety-five percent (95%) level for more than two (2) months during the contract period of Authorization. Vendors authorized under this provision whose charges to the Department exceed ninety-five percent (95%) of the Department Estimated Cost shall be subject to the sanctions specified in Section 672.510(a). ~~Regions seven (7), eight (8), and nine (9) shall be greater than 75, but less than 175.~~
- e) If an Applicant applies for WIC Authorization in a region which exceeds the maximum Participant/Vendor Ratio, the Application shall be denied. An exception shall be granted when the Applicant's charges to the Department or shelf price, whichever is lower, for WIC Foods are at least ten percent (10%) below the Department's regional estimated cost, and the Applicant agrees to maintain these charges to the Department at such level during the period of Authorization.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 672.205 Application Procedures

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The Department shall provide an Application for applying to become an authorized WIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any Application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department:

- a) An Application for WIC Vendor Authorization as a sole proprietorship shall include the following:
  - 1) identity and addresses of owner;
  - 2) ~~owner's Social Security number;~~
  - 23) the Federal Employer Identification Number (FEIN) of the Business Entity;
  - 24) identification of any ownership interest of thirty percent (30%) or more in any other entity applying for WIC Vendor authorization or WIC Vendor;
  - 45) identification of the Business Entity, the Store Type, location of the Vendor Site and an employee contact for WIC purposes;
  - 56) proof of the owner's identity; ~~Social Security number;~~
  - 67) proof of the Business Entity's FEIN; and
  - 78) proof of USDA Food Stamp Authorization, if applicable.
- b) An Application for WIC Vendor Authorization as a corporation shall include the following:
  - 1) identity and location of the corporation's principal place of business;
  - 2) identity and address of the corporation's registered agent;
  - 3) FEIN of the corporation;
  - 4) identification of an ownership interest of thirty percent (30%) or more by the stockholders listed in subsection (b)(3) and such an ownership interest by these stockholders in any other entity applying for WIC Vendor authorization or WIC Vendor;
  - 5) identity of the Business Entity, Store Type and location of the proposed



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Vendor Site and an employee contact for WIC purposes;

- 6) Certificate of Good Standing from the Illinois Secretary of State;
  - 7) Certification of Incorporation from the State in which the Applicant is incorporated;
  - 8) identification and address of each Corporate Officer;
  - 9) proof of corporation's FEIN; and
  - 10) proof of USDA Food Stamp Authorization, if applicable.
- c) An Application for WIC Vendor Authorization as a partnership or limited partnership shall include the following:
- 1) identity and address of each limited and general partner and the registered agent;
  - 2) ownership percentages of each limited and general partner;
  - 3) ~~Social Security number of each limited and general partner;~~
  - 34) FEIN of the partnership or limited partnership;
  - 45) information concerning any ownership interest of thirty percent (30%) or more by any limited or general partner listed in Section 672.205 (a)(1);
  - 56) information concerning the Business Entity, Store Type and the location of proposed Vendor Site and an employee contact for WIC purposes;
  - 67) proof of identity ~~Social Security numbers~~ of each limited and general partner;
  - 78) proof of the partnership or limited partnership FEIN;
  - 89) proof of USDA Food Stamp Authorization, if applicable; and
  - 940) if a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State.
- d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.

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- e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.
- f) ~~Each Applicant shall be notarized after signature of the Applicant or authorized representative.~~
- fg) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the WIC Vendor Authorization.
- gh) Proof of FEIN shall include a copy of a notice of new employer identification number assigned or a copy of the Federal Tax Deposit Coupon.
- hi) Proof of identity ~~a Social Security number~~ shall include a copy of the Applicant's driver's license ~~showing the Social Security number~~, or an identification card issued by the Illinois Secretary of State, ~~or a copy of the Social Security card.~~
- ij) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.
- jk) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the Applicant is seeking WIC Vendor Authorization.
- kl) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.210 Authorization Criteria and Procedures

- a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any approved Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:
  - 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.
  - 2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant or Proxy shall select WIC Foods during business



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hours.

- A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.
- B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.
- 3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.
- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding Application for Authorization as a WIC Retail Vendor.
- 5) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 10.1 of the Illinois Purchasing Act. (Ill. Rev. Stat. 1989, ch. 127, par. 132.11-1.)
- 6) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act ~~AN ACT in relation to educational loans amending an Act named therein.~~ (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 127, par. 35504 et seq.)
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of The Illinois Purchasing Act.
- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.
- 9) Neither the Applicant, nor the Vendor shall have been convicted of a

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misdeemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.

- 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
  - 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC program in the previous three (3) years.
  - 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.
  - 13) With the exception of a Pharmacy, if the Applicant is a former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other former Vendor Applicants. The former Vendor's lowest percentages may be used as an authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR Part 246.12(e)(2)).
- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:
- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
  - 2) The Applicant's proposed Vendor Site shall be initially inspected by the Department.
- A) The Department shall conduct an initial inspection of the proposed Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant.
  - B) If the inspection discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, or types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate, or insufficient, the Department shall advise the Applicant of the deficiencies and conduct another inspection of the Vendor Site.



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- C) If the second inspection by the Department discloses that the Applicant's proposed Vendor Site does not meet the minimum quantities, sizes, and types of WIC Foods or if business or financial information supplied by the Applicant remains erroneous, inaccurate or insufficient, the Application shall be denied.

- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and approved Vendor.
- 4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the initial inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's prices are five percent (5%) or greater than above the average prices in the same region for WIC Foods, the Application shall be denied, unless the Participant/Vendor Ratio is less than that specified in Section 672.200 (a) and (b) or the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.

- 5) The Applicant shall be notified by the Department, within thirty (30) calendar days, whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor training course.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.215 WIC Food List and Quantities

- a) Foods which qualify for delivery to WIC Participants shall be determined by the Department in accordance with 7 CFR 246.10 and placed upon a list which shall be made public. This list shall be printed and distributed at least once each year with the effective date of implementation printed on the face of the list. Changes made to the WIC Food List by the Department including addition and deletion of eligible foods, shall be distributed to all Local Agencies, eligible Participants and WIC Vendors prior to implementation. If a Vendor intends to utilize a WIC Food List which differs in form from the WIC Food List distributed by the Department, such use shall require prior approval of the Department. To obtain such approval, the Vendor shall submit a request for such use in writing to the Department and shall include a copy of the food list it intends to use. The Department shall review the food list submitted and inform the Vendor whether it shall approve or disapprove of the use of such list based upon the current Department list and 7 CFR 246.10. Disapproval of such a request shall not give rise to any right of administrative appeal.

- b) The Vendor is allowed to offer a food item from the WIC Food List which is the

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same quantity and the same or lesser price as on the WIC Food List or Food Instrument, but is a higher grade or in a different size container.

- 2 b) Minimum required quantities as specified in the WIC Vendor Contract are as follows:

- 1) All Vendors in ZIP ~~code prefix 606~~ of the City of Chicago shall maintain sufficient quantities to provide food for three (3) infants, three (3) children, and three (3) women.
- 2) All Vendors outside of the City of Chicago ~~(not within ZIP code area prefix 606 of Chicago)~~ shall maintain sufficient quantities to provide food for two (2) infants, two (2) children, and two (2) women.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director or his designee finds that an Applicant meets any of the criteria set forth in Section 672.220.
- b) When the Director or his designee determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:

- 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
- 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.
- 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: WIC VENDOR EDUCATION

## Section 672.300 Initial WIC Retail Training by the Department

- a) Upon official written notification by the Department, an initial WIC Retail training



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course shall be provided to ~~Vendor~~ Applicants who have met the criteria in Subpart B. All Applicant ~~Vendors~~ Sites shall send a representative ~~listed on the application to the~~ ~~such~~ training course except as provided for in Section 672.305.

- b) The initial WIC Retail training course shall include, but shall not be limited to the following: the purpose of the WIC Program; certification of WIC Participants; responsibilities of the WIC Retail Vendor; minimum quantities, sizes and types of authorized WIC Foods; Food Instrument processing and transactions; USDA WIC Regulations, the Act and the provisions of this Part; monitoring and compliance visits; WIC fraud and abuse provisions; potential sanctions to Vendors; collection of overcharges; the Vendor's responsibility for maintenance of purchasing records; procedures for WIC Participant, Vendor or public complaints; the WIC Vendor Contract; and completion of the Retail Vendor Price Survey.
- c) All Applicants or their representatives at the initial retail training course shall sign a roster indicating their attendance.
- d) At the end of the initial retail training course, each Applicant or the Applicant's representative shall sign a certification of understanding of the WIC Program.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

## Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director consistent with USDA WIC Regulations (7 CFR 246.12 (f) (1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.415 Food Instrument Processing

The Vendor shall submit Food Instruments for payment for the provision of WIC supplemental foods in the following manner:

- a) The Vendor shall ask the WIC Participant for the WIC Participant Identification Card and verify that the Participant name on the Food Instrument is the same as on the WIC Participant Identification Card. If the Participant sends a Proxy to obtain the foods, the Proxy's signature shall be on the WIC Participant Identification Card, but

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shall not be on the Food Instrument. The Vendor shall be allowed to request from the Proxy or Participant an additional form of identification with the Proxy's or Participant's name on it. If the Proxy or Participant does not have another form of identification, the Vendor shall have grounds to refuse the Proxy's or Participant's request to obtain the foods.

- b) The Vendor shall not accept a Food Instrument that is signed before the Vendor fills in the actual amount of sale.
- c) The Food Instrument shall be accepted only within the time limits specified on the Food Instrument.
- d) The Vendor shall ensure that the food items that the Participant or Proxy chooses to obtain, from the food items listed on the Food Instrument, are authorized WIC Foods and are the food items stated on the Food Instrument.
- e) The Vendor shall write the actual total shelf price or less on the Food Instrument. The Food Instrument shall be signed by the WIC Participant or the approved Proxy. Both of these actions shall take place at the Vendor Site unless the transaction is a Participant Requested Delivery. The Vendor shall not obtain the Participant/Proxy signature, until after the actual amount of sale is put on the Food Instrument.
- f) The Vendor shall verify the signature on the WIC Participant Identification Card against the signature on the Food Instrument as either the name of a Participant or a Proxy.
- g) The Vendor shall stamp the assigned four (4) digit Vendor Number on the Food Instrument in the space indicated. ~~Upon notification by the Department, Vendors shall be given the option to batch the Food Instruments, stamp a deposit slip with the assigned four (4) digit Vendor Number and send the Food Instruments to the Department's Contract bank's lock box. For presentation of Food Instruments, the contract bank deposit slip shall be completed, in lieu of stamping the four (4) digit Vendor Number on each Food Instrument.~~
- h) The Vendor shall deposit the Food Instrument in a local financial institution or the Department's contract bank within sixty (60) days from the "First Day To Use" printed on the Food Instrument.
- i) Any Food Instrument improperly completed by the Vendor shall be rejected.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 672.420 Specifications for Rejection of Food Instruments



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- a) Food Instruments shall be rejected for payment for the following reasons:
- 1) Submission of a Food Instrument before the "First Day To Use".
  - 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
  - 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
  - 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
  - 5) Submission of a Food Instrument without a Participant or Proxy signature.
  - 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
  - 7) Submission of a Food Instrument which has been altered.
- b) Food Instruments presented to the Department's contract bank without the participant signature, with a missing, inaccurate, or Invalid Vendor Number, submitted for payment before the "First Day To Use", altered Food Instruments; over the maximum value; or Food Instruments which have not been obligated by the local agency (stolen stock) shall not be paid. Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below. Food Instruments presented to the Department's contract bank without the Participant signature, with a missing, inaccurate, or Invalid Vendor Number, or submitted for payment before the "First Day To Use", altered Food Instruments, or Food Instruments which have not been obligated by the local agency (stolen stock) shall not be paid. Appeal procedures for Food Instruments rejected as "Invalid Vendor" are stated below.

- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in 672.415(g) and (h). A notarized letter of request for payment shall be sent to the Department with copies of the rejected Food Instruments. This letter shall state that the actual dollar value, on each Food Instrument which the Vendor intends to re-submit, does not exceed the original actual amount of sale which was indicated on the Food Instrument at the first presentation to the contract bank. This request shall be post-marked within fifteen (15) days from the first presentation of the Food Instruments at the Department's contract bank. The Vendor shall pay the Department a non-refundable processing fee of fifteen dollars (\$15) per

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occurrence, submission of Food Instrument(s) on a specific date and three dollars (\$3), for each rejected Food Instrument re-submitted. The cashier's check or money order shall be made payable to the Department of Public Health WIC Program and shall accompany the notarized letter and the copy of the Food Instruments which the Vendor is requesting clearance to re-submit. The Department shall review the request and the Food Instruments for the actual amount of sale and the date of presentation at the contract bank. If the Food Instruments pass review, the Department shall send a certified letter of clearance to the Vendor, which shall provide seven (7) calendar days in which the contract bank is authorized by the Department to accept the Food Instruments for re-submission.

- 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to the instructions in 672.415 (g) and (h). Upon notification by the Department, Vendors shall have the option to mail Food Instruments directly to the Department's contract bank utilizing a deposit slip and the contract bank lock box. Vendors utilizing this method shall not be required to put the Vendor Stamp on each Food Instrument. For presentation of Food Instruments, only the contract bank deposit slip shall be completed. The Vendor using this method shall be subject to and responsible for any service charges of the contract bank. Any Vendor that has a current account with the Department's contract bank and uses the deposit slip method and lock box, for submission of Food Instruments, shall also only be subject to the service charge of the contract bank. With either method, a notarized letter of request and copies of the Food Instruments rejected for Invalid Vendor shall be sent to the Department as described in subsection (b)(1). The Vendor shall only be subject to the contract bank service charges.

- c) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 672.450 Assignment or Transfer

The Vendor shall not sell, assign, or transfer in any manner the Authorization, the WIC Vendor Contract, the WIC Vendor Stamp, or the WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the above shall be considered a breach of the WIC Vendor Contract. The death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm shall cause the Vendor's Authorization and WIC Vendor Contract to be subject to Section 672.515 (h) and 672.520. Any assignee, transferee, buyer, or recipient who uses a WIC Vendor Stamp which was assigned by the Department to an Authorized WIC Vendor shall be in violation of this Part and shall be subject to



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the sanctions set forth in Section 672.510(g). The Vendor has an affirmative duty to notify the Department, in writing at the place listed in the WIC Vendor Contract, fifteen (15) calendar days in advance of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity or the sale of any majority interest of any corporation or partnership.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

## a) Class A Violations:

- 1) Disqualification or suspension from participation in the USDA Food Stamp Program, or imposition of a civil money penalty by the Food Stamp Program.
- 2) Exchanging cash or credit for Food Instruments.
- 3) Exchanging non-food items or alcoholic beverages for Food Instruments.
- 4) Receiving, transacting or redeeming WIC Food Instruments from any source other than a Participant, a Proxy or a Representative of the Department.
- 5) Charging WIC Participants, Proxies or Department Representatives more for WIC Food than non-WIC customers or charging more than the posted shelf price.
- 6) Charging the WIC program for WIC Foods not received by the Participant, Proxy or Department Representatives or for foods provided in excess of those listed on the Food Instruments.
- 7) Claiming reimbursement for the sale of any amount of WIC Food item which exceeds the store's documented inventory of that food item for a specified period of time.

## b) Class B Violations:

- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
- 2) Failure to maintain the minimum stock requirements as specified in the WIC Vendor Contract, ~~and not having any expired WIC approved foods on the shelf.~~

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- 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.

- 4) Altering or submitting for payment altered Food Instruments.

- 5) Failure to post current shelf prices for WIC Foods.

- 6) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.

- 7) Having any expired WIC approved foods on the shelf.

## c) Class C Violations:

- 1) Failure to submit Retail Vendor Price Surveys requested by the Department.
- 2) Failure to submit information requested by the Department within the time period specified by the Department.
- 3) Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.
- 4) Failure to attend an annual Retail Vendor training program.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.510 WIC Vendor Sanctions

Any Class A or B Violation shall subject the Vendor or former vendor to reimburse the Department for any overcharges, charges for items not received by WIC Participants, and monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments without a valid contract.

- a) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Section 672.515 and Section 672.520. The length of such termination shall constitute, at a minimum, termination from the WIC program for a period of one (1) year. Each such Class A Violation shall also subject a Vendor to a fine assessment of two thousand five hundred dollars (\$2,500) and attendance at a compliance training workshop except for the violations cited in Section 672.505 (a) (1).

- b) Any Class B Violation shall constitute grounds for the following sanctions:



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- 1) For the first Class B Violation, the WIC Retail Vendor shall be given written notice of the violation and shall be given an Administrative Warning.
- 2) For the second Class B Violation committed within twenty four (24) months of the first Class B Violation, the Vendor shall be subject to a fine assessment of one thousand dollars (\$1,000). The Vendor shall also be required to attend a compliance training workshop as specified in Section 672.315.
- 3) The third Class B Violation committed within twenty four (24) months of the first Class B Violation shall be grounds for termination of the Vendor Authorization pursuant to Section 672.520 and a fine assessment of two thousand five hundred dollars (\$2,500).
- c) Any Class C Violation shall constitute issuance of an Administrative Warning.
- d) The time period of twenty four (24) months referenced in subsections (b)(2) and (b)(3) shall commence from the time the notice of violation, termination or fine assessment is issued by the Department.
- e) All fine assessments shall be paid within thirty (30) days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.
- f) Any and all compliance training workshops, required by the Department for the vendor or former vendor, shall be attended within one hundred eighty (180) days from date of final order.
- g) If any former Vendor, individual, business entity, or commercial enterprise, has met the criteria set forth in Section 672.515(i), this shall constitute grounds for the Department to impose a fine of two thousand five hundred dollars (\$2,500) for each month that the former vendor, individual, business entity or commercial enterprise submits or deposits Food Instruments for reimbursement from the Department's contract bank. The total fine shall not exceed seven thousand five hundred dollars (\$7,500). The former Vendor, individual, business entity, or commercial enterprise will reimburse the Department for the "Actual \$ Amount of Sale" indicated on Food Instruments and submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former vendor, individual, business entity, or commercial enterprise, as cited in Section 672.515(i).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 672.515

Criteria for Termination of Authorization and Fine Assessment

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A determination by the Director or his designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:

- a) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
- b) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
- c) the Vendor has refused to allow the Department access to inspect the Vendor Site during normal business hours;
- d) the Vendor has been found by the Department to have violated provisions of Section 672.505 (a) or (b);
- e) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue;
- f) the Vendor has not fulfilled the terms of the WIC Vendor Contract;
- g) the Vendor has sold, leased, or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
- h) the Vendor corporation, partnership, or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died.
- i) a former Vendor, individual, business entity or commercial enterprise accepts or receives credit/payment for Food Instruments without a valid WIC Vendor Contract. See Section 672.510(g).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 672.615 Commencement of an Action

Administrative actions under these rules shall be commenced by the Director signing and issuing a notice of violation, termination, or penalty assessment or as a result of a request for a hearing by an Applicant resulting from denial of Authorization. The effective date of any notice of violation, termination, or penalty assessment or any denial of authorization shall be not less than 15 days from the date of receipt of such notification.



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- a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director.

1) The notice of an opportunity for an administrative hearing shall contain:

- A) a statement of the nature of the hearing;
  - B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department, and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;
  - C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - D) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part; and
  - E) unless accompanied by a notice of violation, a short, plain statement of the matters asserted.
- 2) An administrative hearing must be requested within fifteen (15) ~~ten (10)~~ calendar days of receipt.
- 3) An Applicant or a WIC Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request is to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.

- b) Upon receipt of a request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place of the hearing or if a pre-hearing or conference is scheduled by the Department, the time and place of the conference;
- 3) a statement of the legal authority and jurisdiction under which the hearing is

## DEPARTMENT OF PUBLIC HEALTH

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to be held;

- 4) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 672.625 Discovery

- a) Prior to or at the pre-hearing conference, the Department shall provide an Applicant or Vendor with a copy of all the Department's investigative reports including any Food Instruments specific to the matter in dispute and to the Applicant or Vendor against whom the administrative action is pending. If no pre-hearing conference is requested, the Department shall provide copies of the investigative reports and Food Instruments prior to hearing.

- b) Upon written request served on the opposing party, any party shall be entitled to:

- 1) the name and address of any witness who may be called to testify;
- 2) copies of any document which may be offered as evidence; and
- 3) a description of any other evidence which may be offered.

- c) Whether or not a request is made, during discovery an Applicant or Vendor shall be entitled to any exculpatory evidence in the Department's possession which tends to support the Applicant or Vendor's position or which might impeach the credibility of a Department witness.

- d) Upon a written request served on the Applicant or Vendor, at any time after a notice or petition for hearing is filed, or at any stage of the hearing, the Applicant or Vendor will be required to produce documents, books, records, or other evidence which relate directly to conduct of his Business Entity.

- e) No other discovery shall be requested, allowed, or exchanged unless consented to by all parties to the administrative hearings before the Department.

- f) All discovery shall be completed prior to the start of the hearing, unless consented to by all parties to the administrative hearings before the Department.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



Actual size and location for region nine (9) is an approximate only. Region nine (9) consists of the City of Chicago at ZIP Code areas which contain a prefix of 606.

--| City of Chicago  
Region 9



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS1) Heading of Part: Nonscheduled Bus Inspections2) Code Citation: 92 Ill. Adm. Code 4563) Section Numbers:456.50  
456.60  
456.70  
456.80  
456.90Proposed Action:Amend  
Amend  
Amend  
Add  
Add4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-1095) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes to update the Nonscheduled Bus Inspection Program. The Department first implemented this program in April of 1991. Since that time, Department employees have suggested ways in which this Part could be amended for ease of implementation. This proposed rulemaking incorporates those suggestions and improves the program.

In Sections 456.60 and 456.70, violation criteria are amended to reflect either more or less stringent penalties. Two new subsections were added in Section 456.60 which require officers of the Department to inspect for a Certificate of Safety (C/S) and a Pre-Trip Inspection Book. The Certificate and Book are required items on school buses but were inadvertently omitted from the last rulemaking. Four new subsections were added in Section 456.70 which require Department officers to inspect for the C/S, required lettering and identifying components of a school bus which are not allowed on religious organization buses and buses registered as charitable vehicles. These items are also required on religious organization buses and buses registered as charitable vehicles, but, were inadvertently omitted from the last rulemaking. Other language was amended for clarification purposes.

Sections 456.80 and 456.90 were added to address violation criteria for alternate fuel school buses and special education school buses, respectively.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? NoDEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS10) Statement of Statewide Policy Objectives: This Part affects units of local government that own or operate school buses or buses registered as charitable buses.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P. O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: June 2, 1992
- B) Types of small businesses affected: This Part affects small businesses that operate school buses, religious organization buses or buses registered as charitable vehicles.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of the Proposed Rule(s) begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 456  
 NONSCHEDULED BUS INSPECTIONS

Section	Purpose and Scope
456.10	Application
456.20	Standards of Construction
456.30	Definitions
456.40	Enforcement Procedures
456.50	Violation Criteria for School Buses
456.60	Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles
456.70	Violation Criteria for Alternate Fuel School Buses
456.80	Violation Criteria for Special Education School Buses
456.90	

AUTHORITY: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law (Ill. Rev. Stat. 199189, ch. 95 1/2, par. 13-109, as amended by P.A. 86-1223, effective January 1, 1991).

SOURCE: Adopted at 15 Ill. Reg. 5894, effective April 8, 1991; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Bold face print denotes statutory language.

## Section 456.50 Enforcement Procedures

- The Department will conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. (Section 13-109 of the Law)
- The nonscheduled inspections will be conducted by officers of the Department at locations where the vehicles listed in subsection (a) are stored or parked.
- Nonscheduled inspections will consist of inspecting those items listed in either Sections 456.60, or Section 456.70, 456.80 or 456.90 (depending on the type of vehicle being inspected). The Department's officers will note any violation of this Part on the Nonscheduled Inspection Report (NIR) and fill in the penalty portion of the NIR according to the most serious penalty assessed. Penalties are separated into three categories: Out-of-Service, Three-Day Notice, and Warning. All violations listed on the form shall be corrected within the required period of time.

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- The NIR consists of the original form and three copies. The original and second copy will be issued to the bus operator. The third copy will be mailed to the CVSS by the Department's officer and the fourth copy will be retained by the Department's officer.
- The second copy of the NIR is designed to be returned to the CVSS after either all warning violations have been corrected, or the Department's third day follow-up inspection has been completed or inspection at an Official Testing Station for an out-of-service penalty has been conducted. Refer to subsections (f), (g) or (h) for procedures.
- If a nonscheduled inspection reveals that any item listed in Sections 456.60, or Section 456.70, 456.80 or 456.90 meets the "out-of-service" criteria listed in those Sections, the Department will remove the Certificate of Safety from the vehicle and place the vehicle out-of-service.
- A bright orange, triangular decal will be placed on an out-of-service vehicle where the Certificate of Safety was located.
  - The vehicle must pass an inspection at an Official Testing Station before it is again placed in service.
  - An Out-of-Service penalty requires the second copy of the NIR to be returned to the CVSS by the bus operator after the bus passes an inspection at an Official Testing Station.
  - Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service decal is a Class 3 felony. (Section 13-109 (e) of the Law)
- If a nonscheduled inspection reveals that any component listed in Sections 456.60, or Section 456.70, 456.80 or 456.90 meets the "three-day notice" criteria listed in those Sections, the Department will issue a three-day notice penalty.
  - A bright yellow triangular decal will be placed next to the Certificate of Safety.
  - Department personnel will return to the location of the vehicle after three working days to determine that the violation has been corrected and will remove the yellow decal if no violations exist. (Section 13-109 (c) of the Law)



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- 3) A Three-Day Notice penalty requires the second copy of the NIR to be completed and returned to the CVSS by the Department's officer when he returns for the follow-up inspection after the third day.
- 4) If the violation is not corrected within three working days, the Department will place the vehicle out-of-service in accordance with subsection (f).
- 5) Causing or allowing the operation of a vehicle with a three day decal for longer than three days with the decal attached or the unauthorized removal of a three day decal is a Class C misdemeanor. (Section 13-109 (e) of the Law)
- h) If a nonscheduled inspection reveals that any item listed in Sections 456.60, ~~456.70, 456.80 or 456.90~~ meets the "warning" criteria listed in those Sections, the Department will issue the NIR to the bus operator with all violations listed.
  - 1) The bus operator shall have all violations corrected within 30 days from the date of the nonscheduled inspection.
  - 2) A Warning penalty requires the second copy of the NIR to be returned to the CVSS by the bus operator after all violations have been corrected.
  - 3) If the Department has not been advised that the corrections have been made by receipt of second copy of NIR, and the violation still exists, the Department will place the vehicle out-of-service in accordance with subsection (f). (Section 13-109 (e) of the Law)
  - i) If a nonscheduled inspection reveals that any item listed in Sections 456.60, ~~456.70, 456.80 or 456.90~~ warrants the issuance of a penalty, the bus operator or owner may repair or replace defective items while the Department's officers are on location. Any such corrections If the owner or operator chooses to repair or replace the defective item, it must be done while the officers are still on location and may not alter the officer's schedule in order to wait for any repair or correction. Any defects repaired or corrected on location will be documented on the NIR.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 456.60 Violation Criteria for School Buses

The following items will be inspected during a nonscheduled inspection. A violation of one item may only necessitate a warning while other items may require a three day notice or cause the vehicle to be declared out-of-service. Certain items have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed below exists, the corresponding penalty will be issued:

## a) Air Cleaner:

WARNING - missing.

## b) Aisle:

- 1) OUT-OF-SERVICE - obstructed.

- 2) WARNING - does not meet minimum dimension requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(b)).

## c) Alternator:

THREE DAY - does not meet capacity rating or electrical requirements; not functioning.

## d) Axles:

OUT-OF-SERVICE - not firmly attached; cracked; broken; insufficient capacity (as determined by 49 CFR 568.4 (1989)).

## e) Barrier:

- 1) OUT-OF-SERVICE - missing (if required); not solidly attached; ~~does not meet minimum height requirements - (refer to 92-111-Adm-Code-451, APPENDIX A(e)).~~

- 2) WARNING-THREE-DAY - padding or covering shows wear and tear, does not meet minimum height requirements (refer to 111. Adm. Code 451.APPENDIX A(e)).

## f) Battery:

THREE DAY - excessive corrosion; not secured.



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- g) Battery Cables:  
THREE DAY - corroded; not securely attached.
- h) Battery Carrier:  
THREE DAY - when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment.
- i) Brakes:  
1) OUT-OF-SERVICE - any problem found with service brake system.  
2) THREE DAY - any problem found with emergency brake system.  
3) WARNING - any SB 6 violation (refer to 92 Ill. Adm. Code 451.APPENDIX A(i)(7)(A)).
- j) Bumper, Front:  
THREE DAY - loose; broken; protruding components; does not meet thickness requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(j)).
- k) Bumper, Rear:  
THREE DAY - loose; broken; protruding components; hitchable; does not meet thickness requirements (refer to 92 Ill. Adm. Code 451.APPENDIX A(k)).
- l) Certificate of Safety:  
OUT-OF-SERVICE - missing or expired.
- m) Certification Label, Federal:  
WARNING - label is absent, defaced, destroyed, or not permanently affixed; required information is missing (refer to 92 Ill. Adm. Code 451.APPENDIX A(m)(1)).
- nn) Certification Label, State (Type I School Bus only):  
WARNING - label is absent, defaced, destroyed, or not permanently affixed; required information is missing (refer

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- to 92 Ill. Adm. Code 451.APPENDIX A(m)(2)); month shown is earlier than month on federal label; Vehicle Identification Number is not the same as number on federal label.
- no) Defrosters:  
1) OUT-OF-SERVICE - does not function properly between October 2 and April 14.  
2) THREE DAY - does not function properly between April 15-October 1.
- op) Drive Shaft Guard:  
WARNING - not solid; not firmly attached; missing.
- pq) Emergency Exits:  
1) OUT-OF-SERVICE - illegal locks (refer to 92 Ill. Adm. Code 451.APPENDIX A(q)(4)); blocked; latch broken; exit does not work; no alarm.  
2) THREE DAY - binding; no guard.
- qr) Entrance Door:  
OUT-OF-SERVICE - fails to close; view is obstructed; illegal locks; does not open properly; manual override is missing.
- rs) Exhaust System:  
1) OUT-OF-SERVICE - leaks into or under passenger compartment; broken; disconnected; does not discharge in proper location.  
2) THREE DAY - shield is not present if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(s)(1)).
- st) Fenders:  
THREE DAY - protruding components; not properly attached.
- tu) Fire Extinguisher:  
OUT-OF-SERVICE - not fully charged; seal is broken; not mounted in readily accessible location; not labeled if in compartment.



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- uv) First Aid Kit:  
WARNING - kit not complete (refer to 92 Ill. Adm. Code 451.APPENDIX A(w)); medicine or tourniquet is present; packages are not sealed.
- vw) Floor and Floor Coverings:  
THREE DAY - holes are present; sagging; torn covering.
- wx) Frame and Body:  
1) Frame:  
OUT-OF-SERVICE - broken; rusted through; structurally unsafe; sagging.
- 2) Body:  
WARNING - rusted through.
- xy) Fuel Storage and Delivery System:  
OUT-OF-SERVICE - fuel tank is leaking or loose; no fuel tank guard if required (refer to 92 Ill. Adm. Code 451.APPENDIX A(z)(5)); fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.
- yz) Grab Handles (Exterior and Interior):  
WARNING - handles are missing or loose.
- zaa) Heaters:  
WARNING - poor working condition; defective hoses, supports or baffles, rear heater not covered or padded.
- aabb) Hood:  
THREE DAY - does not open; defective latches or hinges.
- bbcc) Horn:  
OUT-OF-SERVICE - missing; defective; not audible.

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- eedd) Instruments and Instrument Panel:  
1) OUT-OF-SERVICE - brake failure indication gauges or devices do not operate properly or are missing.  
2) THREE DAY - odometer, directional signal, eight-light flasher indicator, or high beam indicator do not operate properly or are missing.
- edee) Lettering:  
WARNING - lettering is missing, incorrect location, not black, distinct, or allowed.
- eeff) Light(s) (refer to 92 Ill. Adm. Code 451.APPENDIX A(hh) for proper colors):  
1) Backup:  
THREE DAY - do not function; improper color; broken lens or other component.
- 2) Clearance:  
WARNING - do not function; improper color; broken lens or other component.
- 3) Cluster:  
WARNING - do not function; improper color; broken lens or other component.
- 4) Flashing 8-light system:  
OUT-OF-SERVICE - do not function; improper color; broken lens or other component.
- 5) Headlights:  
A) OUT-OF-SERVICE - do not function; improper color.  
B) WARNING - broken lens ~~on-replaceable-light-source~~.
- 6) Interior:  
WARNING - do not function; improper color; broken lens or other component.



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- 7) License Plate:  
WARNING - does not function; improper color; broken lens or other component.
- 8) Marker:  
WARNING - do not function; improper color; broken lens or other component.
- 9) Parking:  
WARNING - do not function; improper color; broken lens or other component.
- 10) Stepwell:  
~~THREE-DAY~~ WARNING - does not function; improper color; broken lens or other component.
- 11) Stop/Brake:  
A) OUT-OF-SERVICE - do not function.  
B) THREE DAY - improper color; broken lens or other component.
- 12) Strobe (optional):  
~~THREE-DAY~~ WARNING - location is incorrect (refer to 92 ILL. Adm. Code 451.APPENDIX A(hh)(15)); shielding is present.
- 13) Tail:  
A) OUT-OF-SERVICE - do not function;  
B) THREE DAY - improper color; broken lens or other component.
- 14) Turn Signal:  
A) OUT-OF-SERVICE - do not function;  
B) THREE DAY - improper color; broken lens or other component.

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- ffgg) Locked Compartment:  
THREE DAY - not readily accessible to driver; lettering or identification is missing; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are stored in locked compartment).
- gghh) Mirrors:  
1) OUT-OF-SERVICE - missing; ~~broken or cracked~~; ~~clouded~~; ~~loose mounting~~.  
2) WARNING - broken or cracked; clouded; loose mounting.
- hhii) Paint Requirement:  
WARNING - does not meet color requirements (refer to 92 ILL. Adm. Code 451.APPENDIX A(kk)); poor condition.
- jjj) Pre-trip Book:  
WARNING - missing; improper completion.
- kkk) Projections:  
THREE DAY - hitchable if exterior; not padded if interior.
- jjll) Reflectors:  
1) THREE DAY - missing.  
2) WARNING - damaged; not properly located.
- kkmm) Rub Rails:  
WARNING - missing; damaged.
- llnn) Seat Belts:  
1) OUT-OF-SERVICE - missing or broken if required (refer to 92 ILL. Adm. Code 451.APPENDIX A(oo) and APPENDIX B(oo)); buckle does not operate properly; required number of belts not present (refer to 92 ILL. Adm. Code 451.APPENDIX B(oo)).  
2) ~~THREE-DAY~~ WARNING - retractor does not operate properly.



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mmoo) Seat, Driver's:

- 1) ~~OUT-OF-SERVICE---broken; loose; missing.~~
- 2) WARNING - damaged covering; broken; loose.

pppp) Seat, Passenger's:

- 1) ~~OUT-OF-SERVICE - missing barrier (if required) (refer to 92 Ill. Adm. Code 451.APPENDIX A(e)); loose; broken frame or components.~~
- 2) WARNING - incorrect height (refer to 92 Ill. Adm. Code 451.APPENDIX A(qq)); damaged covering; loose seat cushion.

eeqq) Steering System:

## 1) Exterior:

## A) Linkage Components:

~~OUT-OF-SERVICE - bent; welded repairs; loose; insecurely mounted or missing.~~

## B) Steering Components:

~~OUT-OF-SERVICE - loose, leaking, frayed, cracked, inoperative power unit or missing.~~

## 2) Interior:

- A) ~~OUT-OF-SERVICE - column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing.~~
- B) ~~THREE DAY - lash exceeds acceptable limits (refer to 92 Ill. Adm. Code 451.APPENDIX A(rr)(2)(B)).~~

pprr) Steps, Entrance:

- 1) ~~OUT-OF-SERVICE - broken, rusted through.~~
- 2) THREE-DAY WARNING - sagging, damaged ribbing.

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qqss) Stop Arm Panel:

- 1) ~~OUT-OF-SERVICE - missing.~~
- 2) THREE DAY - incorrect paint (refer to 92 Ill. Adm. Code 451.APPENDIX A(tt)); not operating properly.

pptt) Sun Visor:

~~WARNING - broken; damaged; missing.~~

ssuu) Suspension:

## 1) Shocks:

A) ~~OUT-OF-SERVICE - broken; missing; broken mounts.~~

B) ~~THREE DAY - leakage; broken; missing; broken mounts.~~

## 2) Springs:

~~OUT-OF-SERVICE - broken; damaged, loose.~~

## Tow Hooks (optional):

~~WARNING - extend beyond bumper; not securely attached.~~

uuww) Warning Devices:

~~WARNING - missing; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.~~

vvxx) Wheels:

## 1) Housing:

~~THREE DAY - do not meet clearance requirements; not firmly secured; holes are present; tire rubs against any portion of chassis or body.~~

## 2) Rim:

~~OUT-OF-SERVICE - cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent.~~



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zzbbb) Wiring:

WARNING - insulation is broken, frayed, or missing; fuses or breakers are not present (refer to 92 Ill. Adm. Code 451.APPENDIX A(p)); not securely attached; not on proper circuit.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles

a) Brakes:

1) OUT-OF-SERVICE - any problem found with the service brake system.

2) THREE DAY - any problem found with emergency brake system.

b) Bumpers:

THREE DAY - loose; broken; protruding components.

c) Certificate of Safety:

OUT-OF-SERVICE - missing or expired.

ed) Emergency Exits:

1) OUT-OF-SERVICE - obstructed; does not comply with required number of exits (refer to 92 Ill. Adm. Code 448.APPENDIX C); latch broken; does not open fully; missing components.

2) THREE DAY - binding.

de) Exhaust System:

OUT-OF-SERVICE - leaks into or under passenger compartment; broken; disconnected.

ef) Fenders:

THREE DAY - protruding components; missing.

fg) Fire Extinguisher:

OUT-OF-SERVICE - not fully charged; seal is broken; not mounted in readily accessible location; not labeled if in compartment.

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3) Tires (refer to 92 Ill. Adm. Code 451.APPENDIX A(bbb)(3)):

A) Steering axle:

OUT-OF-SERVICE - regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth; broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.

B) Drive axle:

i) OUT-OF-SERVICE - insufficient tread depth; broken or cut cord.

ii) THREE DAY - radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem.

wwyy) Windows:

THREE DAY - not properly marked with "AS" rating (refer to 92 Ill. Adm. Code 451.APPENDIX A(ccc)); operating mechanisms do not function; alarms do not function, if required; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 Ill. Adm. Code 451.APPENDIX A(ccc)(1) and (3)); not firmly sealed or attached.

xxzz) Windshield Washer:

WARNING - does not operate properly.

yyaaa) Windshield Wiper:

1) OUT-OF-SERVICE - wipers do not operate.

2) THREE-DAY WARNING - does not cover entire cleaning area; blades are damaged; does not park properly.



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gh) Floor and Floor Covering:

THREE DAY - holes are present; sagging; torn covering.

hi) Frame and Body:

1) Frame:

OUT-OF-SERVICE - broken; rusted through; structurally unsafe; sagging.

2) Body:

WARNING - rusted through; protruding object; any component loose, missing or broken.

ij) Fuel Storage and Delivery System:

OUT-OF-SERVICE - fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

jk) Hood:

THREE DAY - does not open; defective latches or hinges.

l) Lettering:

WARNING - signs or words "SCHOOL BUS"; emergency exits are not labelled (if required); operating instructions are not present on emergency exits (if required); "NO STANDEES" not present (if required) (refer to 92 Ill. Adm. Code 448. APPENDIX C).

km) Light(s):

2l) Headlamps:

A) OUT-OF-SERVICE - do not function.

B) WARNING - broken lens on replaceable light source; improper color.

32) License Plate:

WARNING - does not function; improper color; broken lens or other component.

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43) Parking/Marker:

WARNING - do not function; improper color; broken lens or other component.

54) Stop/Brake:

OUT-OF-SERVICE - do not function; improper color; broken lens or other component.

65) Tail:

OUT-OF-SERVICE - do not function; improper color; broken lens or other component.

76) Turn Signal:

OUT-OF-SERVICE - do not function; improper color; broken lens or other component.

77) Unison Flashing Amber Warning System (Optional on Religious Organization Buses only):

WARNING - lens is improper color; system flashes alternately.

4n) Mirrors:

1) OUT-OF-SERVICE - missing; ~~broken or cracked~~  
~~clouded; loose mounting.~~

2) WARNING - broken or cracked; clouded; loose mounting.

o) Paint:

WARNING - school bus yellow.

mp) Reflectors:

1) THREE DAY - missing.

2) WARNING - damaged; not properly located (refer to 92 Ill. Adm. Code 448. APPENDIX A).

mq) Seats:

OUT-OF-SERVICE - driver's seat adjusting mechanism slips out of place; any seat is loose or broken.



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er) Steering System:

1) Exterior:

OUT-OF-SERVICE - linkage components are bent; welded repairs; loose; insecurely mounted or missing. Steering components are loose, leaking, frayed, cracked, inoperative power unit or missing.

2) Interior:

A) OUT-OF-SERVICE - column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing.

B) THREE DAY - lash exceeds acceptable limits (refer to 92 ILL. Adm. Code 448.APPENDIX A).

s) Stop Arm Panel:

WARNING - present.

pt) Suspension:

1) Shocks:

A) OUT-OF-SERVICE - broken; missing; broken mounts.

B) THREE DAY - leakage+broken+missing+broken mounts.

2) Springs:

OUT-OF-SERVICE - broken; damaged, loose.

qu) Warning Devices:

WARNING - missing; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational.

rv) Wheels:

1) Rim:

OUT-OF-SERVICE - cracked; broken; elongated holes; missing lug nuts; lock ring damaged; bent.

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2) Tires (refer to 92 ILL. Adm. Code 448.APPENDIX A):

A) Steering axle:

OUT-OF-SERVICE - regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth; broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.

B) Drive axle:

i) OUT-OF-SERVICE - insufficient tread depth; broken or cut cord.

ii) THREE DAY - radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem.

sw) Windows:

THREE DAY - not properly marked with "AS" rating (refer to 92 ILL. Adm. Code 448.APPENDIX A); operating mechanisms do not function; glass is cracked or broken; visibility is obstructed; emergency opening requirements are not met (refer to 92 ILL. Adm. Code 448.APPENDIX C); not firmly sealed or attached.

tx) Windshield Washer:

WARNING - does not operate properly.

wy) Windshield Wiper:

1) OUT-OF-SERVICE - wipers do not operate.

2) THREE DAY - does not cover entire cleaning area; blades are damaged; does not park properly.



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## vz) Wiring:

## Insulation:

WARNING - broken, frayed, or missing.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 456.80 Violation Criteria for Alternate Fuel School Buses

## a) Pipe Hose and Fittings:

- 1) OUT-OF-SERVICE - incorrect pipe size; fuel supply line which passes through driver or passenger compartment; reduced piping system; incorrect piping material; piping system blocks or hampers window or door; piping system is not located at least 36 inches from air inlet or outlet; missing drain cock; missing rain cap; piping system is not one piece originating below the bus floor and exiting outside the bus roof; holes where pipe exits or enters are not sealed; piping system does not terminate above the eave line or does extend above the roof of the bus.

- 2) WARNING - Shielding is not present on piping outside the body below the window line.

## b) Container and Container Appurtenances:

OUT-OF-SERVICE - Incorrect location; valves, appurtenances and connections are not mounted in enclosed compartment.

## c) Identification Decal:

WARNING - missing

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 456.90 Violation Criteria for Special Education School Buses

## a) Restraining or Safety Devices:

WARNING - not securely fastened; missing when required.

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b) Special Service Door:

WARNING - does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D(C)); audible or visible alarm does not work or is missing.

c) Lifts and Ramps:

OUT-OF-SERVICE - does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D (e)).

d) Fastening Devices:

OUT-OF-SERVICE - do not secure wheelchair.

e) Special Light:

WARNING - missing; does not operate properly

f) Grab Handles:

WARNING - not securely attached; do not meet requirements (refer to 92 Ill. Adm. Code 451.APPENDIX C and D(h)).

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



- 1) The Heading of the Part: Determining Special Education Per Capita Tuition Charge
- 2) Code Citation: 23 Ill. Adm. Code 130
- 3) Section Number:

130.10	<u>Adopted Action:</u>
130.20	Amendment
130.30	Amendment
130.40	Amendment
130.45	New Section
130.50	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 14-7.01.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?  
The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: May 26, 1992
- 9) Notice of Proposal Published in Illinois Register:  
January 24, 1992; 16 Ill. Reg. 1439
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:  
Section 130.50(b) as initially proposed has been amended by inserting the word "final":
  - b) Each final bill must include a copy of the Special Education Tuition Cost Sheet for the programs in which the pupil participated. Each bill must be calculated in accordance with this Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
No changes were requested by JCAR.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments:  
These amendments respond to two pieces of legislation (P.A. 85-423 and P.A. 86-476), as well as incorporating many revisions which we hope will help clarify the rules and make their application more consistent.  
  
P.A. 85-423, which took effect in September of 1987, identified rent as one of the expenses applicable in the calculation of the cost of maintaining and operating a special education program (Section 14-7.01 of the School Code). This change is reflected in Sections 130.30(j) and 130.40(a) of the proposed amendments.  
  
Further, P.A. 86-476 (1989) provided that local education agencies may use health care services whose costs are reimbursed by the federal government, and that they need not deduct the amount of such reimbursements from the cost calculations which are the subject of these rules. Section 130.40(c) (previously labelled (d)) has been amended to reflect these provisions.  
  
In response to the review conducted by school district superintendents, language has been added to Section 130.30(c) to clarify the method for claiming expenditures for equipment, which depends upon the equipment's total cost.  
  
The remaining changes throughout Part 130 serve either to place into rules existing practices which have so far been implicit rather than explicit; to improve the accuracy of cost calculations; or to make existing stipulations clearer and easier to read. The new Section 130.45 in particular is intended to help local education agencies make the distinction between the per capita cost and the specific cost attributable to an individual pupil.



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- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Marcia Sailsbury  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-5256

The full text of the Adopted Amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER C: FINANCE

## PART 130

## DETERMINING SPECIAL EDUCATION PER CAPITA TUITION CHARGE

Section  
130.10  
130.20  
130.30  
130.40  
130.45  
130.50

Definitions  
Applicability  
Allowable Expenditures for Determining Per Capita Cost  
Expenditures Not Allowed in the Per Capita Cost  
Calculation of Individual Cost  
Tuition Billing

AUTHORITY: Implementing and authorized by Section 14-7.01 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 14-7.01).

SOURCE: Adopted at 11 Ill. Reg. 5942, effective March 23, 1987; amended at 16 Ill. Reg. 9475, effective June 9, 1992.

## Section 130.10 Definitions

"Allowable-Expenditures"---Expenditures-used-in-computing-a-per-capita-tuition-charge-in-either-Section 10-20-12a-or-Section-14-7-01-of-The-School-Code-(111 Rev.-Stat.-1985,--ch.-122--pars.-10-20-12a7-14-7-01)-

"Average Daily Attendance" - The number of full-time equivalent days a pupil is in attendance in a program divided by the number of days school is in session.

"Average Daily Enrollment" - The For an individual pupil, the number of days a pupil is enrolled in a program divided by the number of days a program is in session, multiplied by the percentage of the school day the pupil participates in the program. For a program, the Average Daily Enrollment is the total of the Average Daily Enrollment figures for all students enrolled in it.

"District Per Capita Tuition Charge" - District expenditures (including allowable depreciation) associated with providing education during the regular



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school term from local taxes and common school fund monies, calculated by deducting revenues for various state categorical programs as shown on the district's annual financial statement filed in accordance with Section 3-15.1 of the School Code (1985-Rev. Stat. 1985-eh-122-par-3-15-1), local user fees, and federal receipts, other than federal impact aid, from the operating expense; then dividing the result by the annual average daily attendance of the district.

"Exceptional Pupils" - All handicapped pupils, ages three through 21, as defined in Sections 14-1.02 and 14-1.03a of the School Code (1985-Rev. Stat. 1985-eh-122-par-14-1-02-and-14-1-03a) and in 23 Ill. Adm. Code 226 (Special Education).

"Local Education Agency" - A public educational agency at the local level which operates schools or contracts for educational services. This includes school districts, joint-agreements school districts providing services under a joint agreement pursuant to Section 10-22.31a of the School Code (1985-Rev. Stat. 1985-eh-122-par-10-22-31a), educational service regions pursuant to Section 3A-1 of the School Code (1985-Rev. Stat. 1985-eh-122-par-3A-1), educational service centers pursuant to Section 2-3.62 of the School Code (1985-Rev. Stat. 1985-eh-122-par-2-3-62), and special-education-regional-programs governing boards formed pursuant to Section 10-22.31 or Section 3-15.14 of the School Code.

"Local Educational Facilities" - Buildings, including site sites and site improvements, operated by school districts, joint-agreements, educational-service regions, and/or special-education-regional-programs a local education agency.

"Program" - Any combination of special education instructional services, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities designated by a local education agency as constituting a specific special education program for purposes of this Part (e.g., behavior disordered, learning disabled, mentally impaired) which also conforms to the requirements set forth in Section 10.50(c)(1) of the Program Accounting Manual (23 Ill. Adm. Code 110).

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"Special Education" - Those instructional programs, supportive services, supplies, materials, physical plant adjustments, and other special educational facilities described in Article 14 of the School Code (1985-Rev. Stat. 1985-eh-122-par-14-1-01-et seq.) and 23 Ill. Adm. Code 226 (Special Education), which modify, supplement, support, or are in place of the standard educational program of the public school, and which are needed to meet the needs of exceptional pupils.

"Special Educational Facility and Services" - For the purpose of these regulations, this term is defined as in Section 14-1.08 of the School Code (1985-Rev. Stat. 1985-eh-122-par-14-1-08).

"Special Education Per Capita Cost" - The average expenditure per eligible pupil incurred by a local education agency in the implementation and maintenance of each special education program (e.g. behavior disordered, learning disabled, mentally impaired, etc.). Such per capita costs shall be computed by dividing the allowable program expenditures by the average daily enrollment of all eligible participating pupils in the manner prescribed in these rules.

"Special Education Pupil Transportation" - Those transportation services which are in addition to the regular pupil transportation services provided by the local education agency, and which are required and provided in accordance with the provisions of 23 Ill. Adm. Code 226 (Special Education).

"Special School" - An educational setting which is established by the local education agency exclusively to meet the needs of exceptional pupils.

"The School Code" - The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.)

"Total Number of Pupils Enrolled" - The total enrollment of the local education agency for the school year, as reported to the State Board of Education on the Fall Enrollment and Housing Report.

"Total Number of Special Education Pupils Enrolled" - The total number of pupils reported to the State Board of Education as being enrolled in special education programs on December 1 of a particular year. For



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special education joint agreements and regional programs, this is the sum of all member districts' enrolled special education pupils as of December 1.

(Source: Amended at 16 Ill. Reg. 9475, effective June 9, 1992.)

## Section 130.20 Applicability

These rules apply to any local education agency which establishes and maintains special educational facilities and services attended by exceptional pupils from another local education agency under a contractual agreement for tuition charges under Section 14-7-01 of The School Code, and/or is eligible to and makes claim under Sections 14-7-02a and/or 14-7-03 of The School Code (Ill. Rev. Stat. 1985, ch. 122, pars. 14-7-01, 14-7-02a and 14-7-03).

These rules apply to:

- a) any local education agency, whose special educational facilities and services are attended by exceptional pupils from another local education agency, which does not bill using the District Per Capita Tuition Charge and enters into a contractual agreement which provides for tuition charges as authorized under Section 14-7.01 of the School Code; and to

- b) the calculation of claims under Sections 14-7.02a and/or 14-7.03 of the School Code.

(Source: Amended at 16 Ill. Reg. 9475, effective June 9, 1992.)

## Section 130.30 Allowable Expenditures for Determining Per Capita Cost

- a) All local education agencies operating special educational facilities shall maintain evidence of their accountability for funds as prescribed in 23 Ill. Adm. Code 110 (Program Accounting Manual).
- b) Accounting dimensions used to record expenditures used in computing per capita costs shall minimally include fund, fiscal year, four-digit function number, and object. Functions and objects must correspond to and be traceable to the official budget and annual financial report of the local education agency.
- c) Expenditures for equipment necessary for the operation of a special educational facility either shall be

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included in the expenditures in the year of purchase, if the total cost is less than \$500, or shall be depreciated on a five-year schedule, if the total cost is \$500 or more. If equipment is purchased solely for the benefit of one pupil and billed in that manner, the district billed is the owner of the equipment.

- d) Per capita instructional costs recorded in functions 1201-1214 or 1220 shall be computed by dividing the allowable expenditures, minus individual student costs such as individual aides, by the average daily enrollment of the pupils served in the specific special education program.

- e) Expenditures for pupil support services shall be recorded in the functional accounts 2113 (Social Work Services), 2130 (Health Services), 2140 (Psychological Services), 2150 (Speech Pathology and Audiology Services), 2210 (Improvement of Instruction), and 2220 (Educational Media Services) as specified in the 23 Ill. Adm. Code 110 (Program Accounting Manual).

- 1) Expenditures in each functional area shall be separated as follows:

- A) All expenditures for specific special education programs;
- B) All expenditures which are incurred in support of all exceptional pupils and which cannot be directly allocated to a specific special education program as required in subsection (e)(1)(A) above; and
- C) All expenditures which are incurred in support of the general pupil population, including exceptional pupils.
- 2) Per capita pupil support services costs for a specific special education program shall be computed by dividing the allowable expenditures by the average daily enrollment of the pupils served in the program.
- 3) Per capita pupil support services costs incurred in support of all exceptional children shall be computed by dividing the allowable expenditures by the average daily enrollment of the pupils served total number of special education pupils enrolled.



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- 4) Per capita pupil support services costs incurred in support of the general pupil population shall be computed by dividing the allowable expenditures by the average-daily-attendance-of-the-local-education-agency-pupil-population-served total number of pupils enrolled.
- f) Expenditures for administrative services shall be recorded in the functional accounts 2320 (Executive Administrative Services), 2330 (Special Area Administrative Services), 2410 (Office of the Principal Services), 2510 (Direction of Business Support Services), 2520 (Fiscal Services), 2570 (Internal Services), and 2600 (Support Services Central) as specified in 23 Ill. Adm. Code 110 (Program Accounting Manual) and shall be separated as follows:
  - 1) Expenditures for special education administration; and
  - 2) Expenditures for general administration; and
  - 3) Expenditures for special education administration for group exchange programs operated under the provisions of Section 14-7.03 of the School Code.
- g) Per capita special education administration costs incurred in support of all exceptional children shall be computed by dividing the allowable expenditures by the average-daily-enrollment-of-the-pupils-served total number of special education pupils enrolled.
- h) Per capita general administration costs incurred in support of the general pupil population shall be computed by dividing the allowable expenditures by the average-daily-attendance-of-the-local-education-agency pupil-population-as-used-for-computing-the-district-per-capita-tuition-charge-pursuant-to-Section-10-20-12a-of-the-School-Code total number of pupils enrolled.
- i) Expenditures for the operation and maintenance of buildings shall be allocated to each program on-a-per classroom-basis according to the number of classrooms used and the average cost per classroom. The average cost per classroom shall be identified by dividing the total amount of expenditures for operations and maintenance by the total number of classrooms reported

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to the State Board of Education on the Facility Inventory Report.

## j) Depreciation and Rent

- 1) Depreciation of physical facilities owned by the local education agency shall be calculated using the rate provided in Section 14-7.01 of the the School Code (111-Rev-Stat-1985-Ch-1227 par-14-7-01). The local education agency may not rent facilities from itself. The depreciation rate specified in Section 14-7.01(f) of the School Code must be applied to all owned facilities. Operations and maintenance costs for owned facilities may be claimed as provided in subsection (i).
- 2) If the local educational facility is rented by the local education agency, the actual rent paid for the physical facilities is to be divided by the average daily enrollment of the pupils served within the facility. If the rented facility is used for both instructional and administrative functions, the square footage used for instruction shall be divided by the total square footage rented. The result of this division shall be multiplied by the rental fee paid to determine the portion of rent applicable to the program.
- k) Per capita interest costs shall be computed by dividing the interest expenditures recorded in function 5100, but not including interest for capital expenditures, by either: the-average-daily-attendance-of-the-local-education-agency-pupil-population-as-used-for-computing-the-district-per-capita-tuition-charge
  - 1) the total number of pupils enrolled, if the local education agency serves both special and regular education students; or
  - 2) the total number of special education pupils enrolled, if the local education agency serves only special education students.
- 1) The-local-share-of Twenty percent of the total cost of incurred for special education pupil transportation, not-funded-by or such total cost minus reimbursement received during the current year from the State of Illinois under Section 14-13.01(b) of the the School



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Code, whichever is less, may be included in the computation of the per capita cost, with the exception of pupil transportation for pupils claimed under Section 14-7.03 of the School Code. However, for per pupils claimed under Section 14-7.03 of the School Code, one hundred percent of the transportation costs for the pupils shall be included in the computation and not claimed for special education pupil transportation reimbursement (§11-Rev-Stat-1985-eh-1227-par-14-7-03 and 14-13-03(b)).

m) Non-special education (i.e., regular) program costs charged to other districts must be calculated in accordance with Section 10-20.12a of the School Code and billed to the resident district based on a percentage of the student's time spent in non-special education classes.

n) Social Security and Illinois Municipal Retirement Fund contributions by the employer; the amounts so recovered shall be returned to the fund(s) from which the expenditures were made.

o) Expenditures for liability insurance; the amounts so recovered shall be returned to the fund(s) from which the expenditures were made.

(Source: Amended at 16 Ill. Reg. 9475, effective June 9, 1992 )

## Section 130.40 Expenditures Not Allowed in the Per Capita Cost

a) Rent for special education buildings or facilities.

b) Food service expenditures may not be claimed for reimbursement under Section 14-7.02(a) or 14-7.03 of the School Code, unless they are directly related to instructional methodology or techniques, for example in homemaking, cooking, or consumer education courses. However, food service expenditures may be billed to the district of residence of a pupil served.

b) Expenditures from revenue received from state reimbursement during the current year for special education personnel under Section 14-13.01 of the School Code (§11-Rev-Stat-1985-eh-1227-par-14-13-01), allocated to each program based on the number of positions in the program divided by the number of positions claimed for special education personnel reimbursement.

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c) d) Expenditures which are reimbursed from federal sources, except for health care services; the amount of federal reimbursement for such services need not be deducted.

d) Expenditures for life-safety building improvements or asbestos abatement.

e) Expenditures classified (see 23 Ill. Adm. Code 110, Table D) as Capital Outlay (object code 500), except specialized equipment purchased for the specific special education program, which may be included based upon a depreciation schedule of five years.

f) Expenditures for purchased services (object code 300) other than those recorded in accounts 1201-1214 or 1220 (Instruction), 2113 (Social Work Services), 2130 (Health Services), 2140 (Psychological Services), 2150 (Speech Pathology and Audiology Services), 2210 (Improvement of Instruction), and 2220 (Educational Media Services).

g) Expenditures applicable to one student only.

(Source: Amended at 16 Ill. Reg. 9475, effective June 9, 1992 )

## Section 130.45 Calculation of Individual Cost

a) The individual cost for a specific special education pupil is the per capita cost of the specific special education program in which the pupil is enrolled plus the result of multiplying:

1) the serving district's per capita tuition rate as computed per Section 10-20.12(a) of the School Code, by

2) the percentage of the school week the pupil spends in the regular education program, as stated in the pupil's Individualized Education Program (IEP) at the time the pupil entered the specific special education program for the school year being billed or claimed, by

3) the average daily enrollment of the pupil.

b) When the local education agency providing educational services also provides special transportation services to the pupil, the serving local education agency may







## POLLUTION CONTROL BOARD

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- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Adopted Action:  
720.110, 720.111 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1007.2, 1022.4 and 1027.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference?

Yes. Section 720.111 incorporates rules and regulations of agencies of the United States, and rules, regulations, standards or guidelines of nationally recognized organizations and associations, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 791
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?  
Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version:

Several editorial changes have been made throughout the rules:

" ) - (" and ") - (" have been changed to ") through (".

"above" or "below" has been inserted after each "subsection" reference.

## POLLUTION CONTROL BOARD

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The following specific changes have been made to the Proposal:

Section	Difference
720.110 "Designated Facility"	Repeated line deleted.
"Existing HWM"	Indentation revised.
"Existing Portion"	Definition separated out from preceding text.
720.111 ASTM	New references added for ASTM D88 and D2161.

Under ASTM D93-85, "~~tester~~approved"

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.



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The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 720 includes the definition set and the incorporations by reference for Parts 721 - 728. Part 720 is derived from 40 CFR 260. These have been amended in connection with the "BIF" ("Boiler and Industrial Furnace") rules in the February 21, 1991, Federal Register. The USEPA rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in this action.

## 720.110

New definitions include: "carbon regeneration unit", "infrared incinerator", "plasma arc incinerator" and "sludge dryer". The existing definitions of "incinerator" and "industrial furnace" are amended.

## 720.111

Three NTIS documents have been incorporated by reference in connection with the BIF rules. Also, 40 CFR 51.100(ii) is referenced for the definition of "good engineering practice stack height", which is used in Section 726.200(g).

ASTM D88 and D2161 have been incorporated by reference for use with the definition of "SSU" in 35 Ill. Adm. Code 726.200(g).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

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The full text of the adopted amendments begins on the following page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

## HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender
720.103	

## SUBPART B: DEFINITIONS

Section	Definitions
720.110	References
720.111	

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Boiler Determinations
720.132	Procedures for Determinations
720.133	Additional regulation of certain hazardous waste
720.140	Recycling Activities on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities

## Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in

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R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992.

## SUBPART B: DEFINITIONS

## Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.



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"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), to between hazardous waste storage and treatment tanks, to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion

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units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of



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hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility".

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1989);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1989); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

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"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA" or "USEPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by EPA to each



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hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or

"existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).



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"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in of 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area

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of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device ~~using controlled flame combustion which is neither a "boiler" nor an "industrial furnace"; that:~~

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following



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enclosed devices that are integral components of manufacturing processes and that use ~~external flame~~ device thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

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The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.



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"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the

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presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14,



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1986. (See also "existing tank system.")

"On-ground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that



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part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage,

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settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:



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"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"USEPA" means United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

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A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.



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"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 16 Ill. Reg. 9489, effective June 9, 1992)

## Section 720.111 References

- a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

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"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt



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Universal or to Saybolt Furol Viscosity.  
March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid

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Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models". Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006)

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources". August, 1988 (Document number PB89-159396).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update



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II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from USEPA, Number F-90-WPWF-FFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, (202) 475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (~~1990~~1991)

40 CFR 51.100(ii) (1991)

40 CFR 60 (~~1990~~1991)

40 CFR 61, Subpart V (~~1990~~1991)

40 CFR 136 (~~1990~~1991)

40 CFR 142 (~~1990~~1991)

40 CFR 220 (~~1990~~1991)

40 CFR 260.20 (~~1990~~1991)

40 CFR 264 (~~1990~~1991)

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40 CFR 302.4, 302.5 and 302.6 (~~1990~~1991)

40 CFR 761 (~~1990~~1991)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 16 Ill. Reg. 9489 , effective June 9, 1992)



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- 1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Numbers: Adopted Action:  
     721.102, 721.103, 721.104      Amended  
     721.106, 721.120, 721.131      Amended  
     721.132                          Amended  
     721. Appendix I, Table D      New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1007.2, 1022.4 and 1027.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 820
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?  
     Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version:  
     The base text for the Table of Contents has been revised to reflect R91-26.  
     Several editorial changes have been made throughout the rules:  
         ") - (" and ") - (" have been changed to ") through (".  
         "above" or "below" has been inserted after each "subsection" reference.  
     The following specific changes have been made to the

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Proposal:	Section	Difference
Table of Contents		Reference added to "721. Appendix I, Table D"
721.102(d)(3)(A)		"a)" changed to "A)"
721.103(a)(2)(D)(iv)		"rawmaterials" changed to "raw materials"
721.103(c)(2)(B)		"+ i"
721.103(c)(2)(B)(iii)		Subsection added to proposal, adding an exclusion for certain K061 high temperature metal recovery residues.
721.104(a)(11)		Subsection added to proposal, adding an exclusion for certain K061 high temperature metal recovery residues.
721.104(b)(11)		Repeated "that" deleted.
721.104(b)(11)(A)		Temporary exclusion limited to free product recovery pursuant to UST program: "Operations are performed pursuant to a 'free product removal report' pursuant to 35 Ill. Adm. Code 731.164; and"
721.104(b)(11)(B)		"written agreement" changed to "free product removal report"
721.104(e)(2)(C)		"subsections (e)(2)(C)(i) or (ii) below."
721.106(a)(3)(F)		"petrolguem"
721.131		Base text reformulated to text adopted in R91-26.
F025		"dessicant" corrected.
F034 - F035		Base text reformulated to text adopted in R91-26.



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- 721.132, K014 "acetónitrile" corrected.  
K113 - K114 "dinitrotoluene" corrected.  
App. I, Table D Added to Proposal.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 721 is the definition of "solid waste" and "hazardous

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waste", which defines the scope of the RCRA rules. It is derived from 40 CFR 261, which was amended several times during this update period. The USEPA amendments include the "third third" corrections in the January 31, 1991, Federal Register, and the "BIF" rules in the February 21, 1991, Federal Register. The BIF rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in this action.

721.102

This adds a new subsection (d)(2), which includes in the definition of "inherently waste-like materials", secondary materials, which are listed or characteristic hazardous waste, and which are fed to a "halogen acid furnace", which is defined above. The BIF corrections add a new exclusion for certain brominated wastes which are the subject of an internal recycle to a halogen acid furnace.

721.103

Characteristic hazardous wastes generally are removed from the regulatory definition if the hazardous characteristic is removed. However, under the amendment, such wastes may still be subject to the land disposal restrictions in Part 728.

721.103(c)(2)(B)

Subsection (iii) added to exclude certain K061 high temperature metal recovery (HTMR) residues, based on the August 19, 1991, Federal Register.

721.104(a)(10)

This excludes from the definition of "hazardous waste", coke and coal tar from the iron and steel industry, which is produced from "decanter tank car sludge", K087.

721.104(a)(11)

Added to exclude certain K061 high temperature metal recovery (HTMR) residues.

721.104(b)

Subsections (b)(4), (7) and (8) to add cross references to new Section 726.212 for the following types of excluded wastes: fly ash, mining wastes and cement kiln dust. Facilities operating



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under these exclusions are potentially subject to Part 726.

721.104(b) (7)

Amendments to mining waste exclusion.

721.104(b) (11)

Temporary provision regarding applicability of the TCLP test to groundwater which is reinjected pursuant to petroleum recovery corrective action. Limited to reinjection carried out pursuant to a "free product recovery report" pursuant to 35 Ill. Adm. Code 731.164.

721.104(b) (12)

Excludes used chlorofluorocarbon (CFC) refrigerants from the definition of "hazardous waste" provided they are reclaimed.

721.106(a) (3) (G)

Removes coke and coal tar from the materials which are excluded from the definition of "hazardous waste", based on recycling. This has been replaced with the more limited exclusion in Section 721.104(a) (10).

721.120

Adds a citation to Part 726.

721.131

Base text revised to reflect R91-26.

F037 and F038, petroleum refinery oil/water/solids separation sludges. The amendments add to the lists of what is excluded from the listings. The new exclusion is solids separated from certain non-contact cooling waters.

F039, leachate from mixed hazardous waste. Refinement of the definition of this listing.

721.132

K069: Administrative stay of the listing of emission control dust and sludge from secondary lead smelting.

721.App. I, Tab. D

Table added setting forth delistings granted by adjusted standard.

16) Information and questions regarding this adopted amendment

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shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

## IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA

## SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic
Section	
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.135	Wood Preserving Wastes

## 721. Appendix A Representative Sampling Methods

## 721. Appendix B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

## 721. Appendix C Chemical Analysis Test Methods

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Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)

## 721. Appendix G Basis for Listing Hazardous Wastes

## 721. Appendix H Hazardous Constituents

## 721. Appendix I Wastes Excluded under Section 720.120 and 720.122

## Table A Wastes Excluded from Non-Specific Sources

## Table B Wastes Excluded from Specific Sources

## Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

## Table D Wastes Excluded by Adjusted Standard

## 721. Appendix J Method of Analysis for Chlorinated Dibenzop-p-Dioxins and Dibenzofurans

## 721. Appendix Z Table to Section 721.102

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332,



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effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992.

## SUBPART A: GENERAL PROVISIONS

## Section 721.102 Definition of Solid Waste

a) Solid waste.

1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.

2) A discarded material is any material which is:

- A) Abandoned, as explained in subsection (b) below; or
- B) Recycled, as explained in subsection (c) below; or
- C) Considered inherently waste-like, as explained in subsection (d) below.

b) Materials are solid waste if they are abandoned by being:

- 1) Disposed of; or
- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (e)(4) below, if they are:

- 1) Used in a manner constituting disposal.

A) Materials noted with a "yes" in column 1 of table in Appendix Z are solid wastes when they are:

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- i) Applied to or placed on the land in a manner that constitutes disposal; or
- ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

2) Burned for energy recovery.

B) Materials noted with a "yes" in column 2 of table in Appendix Z are solid wastes when they are:

- i) burned to recover energy;
- ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
- iii) Contained in fuels (in which case the fuel itself remains a solid waste).

B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.

3) Reclaimed. Materials noted with a "yes" in column 3 of table in Appendix Z are solid wastes when reclaimed.

4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Appendix Z are solid wastes when accumulated speculatively.

d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026 and F028.



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- 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subparts C or D, except for brominated material which meets the following criteria:

- A) The material must contain a bromine concentration of at least 45%; and
- B) The material must contain less than a total of 1% of toxic organic compounds listed in Appendix H; and
- C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

- 23) The following criteria are used to add wastes to the list:

## aA) Disposal method or toxicity.

- i) The materials are ordinarily disposed of, burned or incinerated; or
  - ii) The materials contain toxic constituents listed in Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
- B) The material may pose a substantial hazard to human health and the environment when recycled.

## e) Materials that are not solid waste when recycled.

- 1) Materials are not solid wastes when they can be shown to be recycled by being:

- A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
- B) Used or reused as effective substitutes for

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commercial products; or

- C) Returned to the original process from which they are generated, without first being reclaimed. The materials must be returned as a substitute for raw materials feedstock, and the process must use raw materials as principal feedstocks.

- 2) The following materials are solid wastes, even if the recycling involves use, reuse or return to the original process (described in subsections (e) (1) (A) - (C) above:

- A) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
- B) Materials burned for energy recovery, used to produce a fuel or contained in fuels; or
- C) Materials accumulated speculatively; or
- D) Materials listed in subsection (d) (1) above.

- f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation and Recovery Act or Section 21 of the Environmental Protection Act who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)

Section 721.103 Definition of Hazardous Waste



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- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
- 2) It meets any of the following criteria;

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C. Except that any mixture of a waste from the extraction, beneficiation or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C is a hazardous waste only: if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or, if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the EP toxicity (extraction procedure toxicity), characteristic to such mixtures, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred; or, if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

- B) It is listed in Subpart D and has not been excluded from the lists in Subpart D under 35 Ill. Adm. Code 720.120 and 720.122.

C) It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C, or unless the solid waste: is excluded from regulation under Section 721.104(b)(7); and, the resultant mixture no longer exhibits any characteristic of hazardous waste identified

- in Subpart C for which the hazardous waste listed in Subpart D was listed.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D are not hazardous wastes (except by application of subsection (a)(2)(A) or (B) above) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which have eliminated the discharge of wastewater) and;

- i) One or more of the following spent solvents listed in Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 1 part per million; or

- ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chloro fluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does



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not exceed 25 parts per million; or

- iii) One of the following wastes listed in Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or
- iv) A discharged commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials - raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or
- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be

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included in this calculation.

- b) A solid waste which is not excluded from regulation under subsection (a)(1) above, becomes a hazardous waste when any of the following events occur:
  - 1) In the case of a waste listed in Subpart D, when the waste first meets the listing description set forth in Subpart D.
  - 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D is first added to the solid waste.
  - 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C.
- c) Unless and until it meets the criteria of subsection (d), below:
  - 1) A hazardous waste will remain a hazardous waste.
  - 2) Specific inclusions and exclusions
    - A) Except as otherwise provided in subsection (c)(2)(B) below, any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
    - B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
      - i) Waste pickle liquor sludge generated by lime stabilization of spent pickle



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liquor from the iron and steel industry (SIC Codes 331 and 332) (Standard Industrial Codes, as defined and incorporated by reference in 35 Ill. Adm. Code 720.110 and 720.111).

ii) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(E), (F), (G) or (H) - ~~or~~ ~~(F)~~.

iii) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061 waste, in units identified below, that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste. The types of units are: rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/L)
Antimony	0.063
Arsenic	0.055

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Barium	6.3
Beryllium	0.0063
Cadmium	0.032
Chromium (total)	0.33
Lead	0.095
Mercury	0.009
Nickel	0.63
Selenium	0.16
Silver	0.30
Thallium	0.013
Vanadium	1.25

For each shipment of K061 HTMR residues sent to a nonhazardous waste management unit, a notification and certification must be sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or state agency authorized to implement 40 CFR 268 requirements). The notification must include the following information: The name and address of the nonhazardous waste management unit receiving the waste shipment; The USEPA hazardous waste number and treatability group at the initial point of generation; The treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

d) Any solid waste described in subsection (c) above, is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C. (However, wastes



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which exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

- 2) In the case of a waste which is a listed waste under Subpart D, contains a waste listed under Subpart D or is derived from a waste listed in Subpart D, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)

## Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

## 1) Sewage:

- A) Domestic sewage; and

- B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.

- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as

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amended (42 U.S.C. 2011 et seq.)

- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
  - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
  - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
  - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
  - D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
  - A) Spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose; and
  - B) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.



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- 101) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, USEPA hazardous waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.
- 111) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this part, if such facility:
    - A) Receives and burns only:
      - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
      - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
    - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

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- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
- A) The growing and harvesting of agricultural crops.
  - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
- 6) Chromium wastes:
- A) Wastes which fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
    - i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
    - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
    - iii) The waste is typically and frequently managed in non-oxidizing environments.



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- B) Specific wastes which meet the standard in subsections (b) (6) (A) (i), (ii) and (iii), above, (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.
  - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry:

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- hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
  - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
  - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, ~~including phosphate rock and overburden from the mining of uranium ore~~, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals ~~will~~ includes only the following wastes:
- A) Slag from primary copper processing;
  - B) Slag from primary lead processing;
  - C) Red and brown muds from bauxite refining;
  - D) Phosphogypsum from phosphoric acid production;
  - E) Slag from elemental phosphorus production;



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- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the anhydrous process;
- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production; and,
- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 266.212 for facilities that burn or process hazardous waste.
- 9) Solid waste which consists of discarded wood or wood products which fails the test for the toxicity characteristic solely for arsenic and which is not a hazardous waste for any other

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- reason or reasons if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) ~~Injected groundwater that is hazardous only because it exhibits the toxicity characteristic [USEPA hazardous waste codes D018 through D024 only] in Section 721.124 that is reinjected or reinfiltrated through an underground injection well pursuant to existing free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals or petroleum bulk plants handling crude petroleum or intermediate products of petroleum refining until March 25, 1991.~~ petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, on or before March 25, 1991. For groundwater returned through infiltration galleries from such at petroleum refineries, marketing terminals and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:
- A) Operations are performed pursuant to a "free product removal report" pursuant to 35 Ill. Adm. Code 731.164; and
- B) A copy of the "free product removal report" has been submitted to:
- Characteristics Section (OS-333)  
USEPA  
401 M Street, SW  
Washington, D.C. 20460
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration.



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and commercial and industrial air conditioning and refrigeration systems, which use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

## d) Samples

- 1) Except as provided in subsection (d)(2), below, a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or

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- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B), above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
  - B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:

- i) Assume that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
- ii) Package the sample so that it does not leak, spill or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1), above.

- e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2), below, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource



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Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) above, is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (ii) below, are met.

- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or

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- ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.

D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status.

E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:

- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study;
- iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.
- F) The generator reports the information required in subsection (e)(2)(E)(iii) above, in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) above, for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability



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study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F), above. The generator or sample collector must apply to the Agency and provide in writing the following information:

- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
  - B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
  - C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
  - D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
  - E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.

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f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11), below, are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11), below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11), below, apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
  - A) Treatability study residues; and,
  - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.



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- 6) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 7) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 8) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
  - A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
  - B) The date the shipment was received;
  - C) The quantity of waste accepted;
  - D) The quantity of "as received" waste in storage each day;
  - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
  - F) The date the treatability study was concluded;
  - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 9) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.

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- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
    - A) The name, address and USEPA identification number of the facility conducting the treatability studies;
    - B) The types (by process) of treatability studies conducted;
    - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
    - D) The total quantity of waste in storage each day;
    - E) The quantity and types of waste subjected to treatability studies;
    - F) When each treatability study was conducted;
    - G) The final disposition of residues and unused sample from each treatability study;
    - 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption, above.
    - 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.
- (Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)
- Section 721.106 Requirements for Recyclable Materials
- a) Recyclable materials:
    - 1) Hazardous wastes that are recycled are subject to



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the requirements for generators, transporters and storage facilities of subsections (b) and (c) below, except for the materials listed in subsections (a)(2) and (a)(3) below. Hazardous wastes that are recycled will be known as "recyclable materials".

- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through 6H and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.

- A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
  - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart BH.);
  - C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O. (35 Ill. Adm. Code 726.Subpart E);
  - D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
  - E) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
    - i) A person initiating a shipment for

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reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting the shipment for export;

- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;
- D) Scrap metal;
- E) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;
- F) Oil reclaimed from hazardous waste resulting from normal petroleum-petroleum refining, production and transportation practices, which oil is to be refined along with normal



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process streams at a petroleum refining facility;

- G) ~~Coke and coal tar from the iron and steel industry that contains USRA hazardous waste number K087 (decantant tank tar sludge from coking operations) (Section 721.132) from the iron and steel production process;~~

H) ~~Petroleum refining wastes.~~

- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

- ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- HH) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product

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exceeds one or more of the characteristics of hazardous waste in Subpart C.

- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above.

c) Storage and recycling:

- 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724.Subparts A through L, AA and BB and 725.Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above. (The recycling process itself is exempt from regulation, except as provided in subsection (d) below.)

- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) above.

- A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

- B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)

- C) Subsection (d) below.

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.Subpart AA and BB and 725.Subpart AA and BB.

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)



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SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart.

BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart.

b) A hazardous waste which is identified by a characteristic in this Subpart is assigned every USEPA Hazardous Waste Number which is applicable as set forth in this Subpart. This number must be used in complying with the notification requirements of Section 3010 of the Resource Conservation and Recovery Act and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 725726 and 728.

c) For purposes of this Subpart, a sample obtained using any of the applicable sampling methods specified in Appendix A is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)

Section 721.131 Hazardous Wastes From Nonspecific Sources

a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Haz- ard Code
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F001

(T)

The following spent halogenated solvents used in degreasing: tetra-chloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloro-ethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F002

(T)

The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichloro-fluoromethane and 1,1,2-trichloro-ethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F003

(I)

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.



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- F004 The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I, T)
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)
- F019 See Below
- F007 Spent cyanide plating bath solutions from electroplating operations. (R, T)
- F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)

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- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R, T)
- F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R, T)
- F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R, T)
- F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process. (T)
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)
- F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetra-chlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
- F021 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (H)
- F022 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing



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use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions.

F023

(H)

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.

F024

(T)

Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.)

F025

(T)

Condensed light ends, spent filters and filter aids, and spent desiccant desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F026

(H)

Wastes (except wastewater and spent carbon from hydrogen chloride

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purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.

F027

(H)

Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).

F028

(T)

Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.

F032

(T)

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035



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listings. These stays will remain in effect until further administrative action is taken. Furthermore, the F032 listing is administratively stayed with respect to the process area receiving drippage of these wastes provided persons desiring to continue operating notify USEPA by August 6, 1991, of their intent to upgrade or install drip pads, and by November 6, 1991, provide evidence to USEPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

F034

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until July 1, 1992.

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F035

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by February 6, 1992, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until July 1, 1992.

F037

Petroleum refinery primary oil/water/solids separation sludge -- Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact

(T)



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once-through cooling waters segregated for treatment from other process or oily cooling waters. Sludges generated in aggressive biological treatment units as defined in subsection (b)(2) below. (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

F038

(T)

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge -- Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) below. (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.

F039

(T)

Leachate (liquids which have percolated through land disposed wastes) resulting from the treatment, storage or disposal of more than one restricted waste ~~classified by more than one waste code~~ classified as hazardous under Subpart D, ~~or from a mixture of wastes~~ ~~classified under Subparts C and D.~~ (Leachate resulting from the

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~~management disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste code number(s): F020, F021, F022, F023, F026, F027 or F028.)~~

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

## b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
  - A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:
    - i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either
    - ii) The hydraulic retention time of the unit is no longer than 5 days; or
    - iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.
  - B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as



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F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:

- i) The unit is an aggressive biological treatment unit as defined in this subsection; and
- ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

## 3) Time of generation. For the purposes of:

- A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
- B) The F038 listing:
  - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
  - ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)

## Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
K002	Inorganic Pigments: Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)



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K014	Bottoms from the <del>acetone</del> <u>acetonitrile</u> purification column in the production of acrylonitrile.	K027
K015	Still bottoms from the distillation of benzyl chloride.	K028
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	K029
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	K095
K018	Heavy ends from the fractionation column in ethyl chloride production.	K096
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	K030
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	K083
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	K103
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	K104
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	K085
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	K105
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	K107
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	K108
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	K109
K026	Stripping still tails from the production of methyl ethyl pyridines.	
		Centrifuge and distillation residues from toluene diisocyanate production. (R,T)
		Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-tri-chloroethane. (T)
		Waste from the product stream stripper in the production of 1,1,1-trichloroethane. (T)
		Distillation bottoms from the production of 1,1,1-trichloroethane. (T)
		Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)
		Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)
		Distillation bottoms from aniline production. (T)
		Process residues from aniline extraction from the production of aniline. (T)
		Combined wastewater streams generated from nitrobenzene/aniline production. (T)
		Distillation or fractionation column bottoms from the production of chlorobenzenes. (T)
		Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)
		Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (C,T)
		Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (I,T)
		Spent filter cartridges from the product purification from the production of 1,1-di-methylhydrazine (UDMH) from carboxylic acid hydrazides. (T)



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K110	Condensed column overheads from intermediate separation from the production of 1,1-di-methylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of <del>dinitrotoluene</del> dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of <del>dinitrotoluene</del> dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene di-isocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

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## Inorganic Chemicals:

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of di-sulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phosphate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.	(T)



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K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)

## Explosives:

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K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
	Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
	Iron and Steel:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
	Primary Copper:	
K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
	Primary Lead:	
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)



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## Primary Zinc:

- K066 Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production. (T)
- BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program," within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by Ill. Rev. Stat. 1989 ch. 111 1/2, pars. 1007.2 and 1022.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.

## Primary Aluminum:

- K088 Spent potliners from primary aluminum reduction. (T)

## Ferroalloys:

- K090 Emission control dust or sludge from ferrochromium/silicon production. (T)
- K091 Emission control dust or sludge from ferrochromium production. (T)

## Secondary Lead:

- K069 Emission control dust/sludge from secondary lead smelting. (T)
- BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.
- K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

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## Veterinary Pharmaceuticals:

- K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
- K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds. (T)
- K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

## Ink Formulation:

- K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. (T)

## Coking:

- K060 Ammonia still lime sludge from coking operations. (T)
- K087 Decanter tank tar sludge from coking operations. (T)

(Source: Amended at 16 Ill. Reg. 9519, effective June 9, 1992)

Section 721. Appendix I Wastes Excluded under Section 720.120 and 720.122

Table D Wastes Excluded by Adjusted Standard

The Board has entered the following Orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

AS91-1 Petition of Keystone Steel and Wire Co. for Hazardous Waste Delisting, February 6, 1992.



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(Source: Added at 16 Ill. Reg. 9519, effective June 9, 1992)

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- 1) **Heading of the Part:** INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES
- 2) **Code Citation:** 35 Ill. Adm. Code 725
- 3) **Section Numbers:** **Adopted Action:**  
 725.113, 725.173, 725.212 Amended  
 725.213, 725.440, 725.470 Amended  
 725.935, 725.952 Amended
- 4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 111½, pars. 1007.2, 1022.4 and 1027.
- 5) **Effective Date of Amendments:** June 9, 1992
- 6) **Does this rulemaking contain an automatic repeal date?:** No.
- 7) **Does this amendment contain incorporations by reference?** No.
- 8) **Date Filed in Agency's Principal Office:** Orders of April 9 and May 21, 1992
- 9) **Notice(s) of Proposal Published in Illinois Register:** January 17, 1992; 16 Ill. Reg. 875
- 10) **Has JCAR issued a Statement of Objections to this (these) Rule(s)?**  
 Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 11) **Difference(s) between proposal and final version:**  
 Several editorial changes have been made throughout the rules:  
 " ) - ( " and " ) - ( " have been changed to " ) through ( " .  
 "above" or "below" has been inserted after each "subsection" reference.  
 The following specific changes have been made to the Proposal:

Section

Difference



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- 725.213(c)(2) "operator" corrected.
- 725.213(e)(2)(C)(i) "allotted" corrected.
- 725.213(e)(5)(A) "Within 35 days, shall file with the Board"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
- Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

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Part 725 sets final standards for owners and operators of hazardous waste management facilities with RCRA permits. It is derived from 40 CFR 265, which was amended mainly in connection with the "BIF" rules in the February 21, 1991, Federal Register. The BIF rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in this action.

725.113 In Section 725.113(b)(6), a reference to "725.293" has been changed to "725.300".

725.173 In Section 725.273(b)(3), a reference to "725.293" has been changed to "725.300".

725.212(a) Requires newly regulated BIFs to have a closure plan within six months after the effective date of the BIF rules.

725.212(d) This adds notification of closure requirements for BIFs.

725.213(a) USEPA has withdrawn extensive changes, which are not included in this action.

725.470 The interim status incinerator rules now depend on the definition, in Part 720, of "incinerator" for their applicability, and BIFs are regulated under Part 726.

725.470 Applicability of the Subpart governing "other thermal treatment" revised to reflect new BIF rules.

725.935, 725.952 Correction to process vent rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:



## POLLUTION CONTROL BOARD

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 725

## INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section	
725.101	Purpose, Scope and Applicability
725.104	Imminent Hazard Action

## SUBPART B: GENERAL FACILITY STANDARDS

Section	
725.110	Applicability
725.111	USEPA Identification Number
725.112	Required Notices
725.113	General Waste Analysis
725.114	Security
725.115	General Inspection Requirements
725.116	Personnel Training
725.117	General Requirements for Ignitable, Reactive or Incompatible Wastes
725.118	Location Standards

## SUBPART C: PREPAREDNESS AND PREVENTION

Section	
725.130	Applicability
725.131	Maintenance and Operation of Facility
725.132	Required Equipment
725.133	Testing and Maintenance of Equipment
725.134	Access to Communications or Alarm System
725.135	Required Aisle Space
725.137	Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section	
725.150	Applicability
725.151	Purpose and Implementation of Contingency Plan
725.152	Content of Contingency Plan
725.153	Copies of Contingency Plan
725.154	Amendment of Contingency Plan
725.155	Emergency Coordinator
725.156	Emergency Procedures

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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	
725.170	Applicability
725.171	Use of Manifest System
725.172	Manifest Discrepancies
725.173	Operating Record
725.174	Availability, Retention and Disposition of Records
725.175	Annual Report
725.176	Unmanifested Waste Report
725.177	Additional Reports

## SUBPART F: GROUNDWATER MONITORING

Section	
725.190	Applicability
725.191	Groundwater Monitoring System
725.192	Sampling and Analysis
725.193	Preparation, Evaluation and Response
725.194	Recordkeeping and Reporting

## SUBPART G: CLOSURE AND POST-CLOSURE

Section	
725.210	Applicability
725.211	Closure Performance Standard
725.212	Closure Plan; Amendment of Plan
725.213	Closure; Time Allowed for Closure
725.214	Disposal or Decontamination of Equipment, Structures and Soils
725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-closure Care and Use of Property
725.218	Post-closure Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart
725.242	Cost Estimate for Closure
725.243	Financial Assurance for Closure
725.244	Cost Estimate for Post-closure Care
725.245	Financial Assurance for Post-closure Monitoring and Maintenance
725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251	Promulgation of Forms (Repealed)



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## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	Applicability
725.270	Condition of Containers
725.271	Compatibility of Waste with Container
725.272	Management of Containers
725.273	Inspections
725.274	Special Requirements for Ignitable or Reactive Waste
725.275	Special Requirements for Incompatible Wastes
725.277	

## SUBPART J: TANK SYSTEMS

Section	Applicability
725.290	Assessment of Existing Tank System's Integrity
725.291	Design and Installation of New Tank Systems or Components
725.292	Containment and Detection of Releases
725.293	General Operating Requirements
725.294	Inspections
725.295	Response to leaks or spills and disposition of Tank Systems
725.296	Closure and Post-Closure Care
725.297	Special Requirements for Ignitable or Reactive Waste
725.298	Special Requirements for Incompatible Wastes
725.299	Waste Analysis and Trial Tests
725.300	Generators of 100 to 1000 kg/mo.
725.301	

## SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
725.320	Design Requirements
725.321	General Operating Requirements
725.322	Containment System
725.323	Waste Analysis and Trial Tests
725.324	Inspections
725.325	Closure and Post-Closure Care
725.326	Special Requirements for Ignitable or Reactive Waste
725.327	Special Requirements for Incompatible Wastes
725.328	
725.329	
725.330	

## SUBPART L: WASTE PILES

Section	Applicability
725.350	Protection from Wind
725.351	Waste Analysis
725.352	Containment
725.353	Design Requirements
725.354	Special Requirements for Ignitable or Reactive Waste
725.355	Special Requirements for Incompatible Wastes
725.356	Closure and Post-Closure Care
725.357	
725.358	

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## SUBPART M: LAND TREATMENT

Section	Applicability
725.370	General Operating Requirements
725.371	Waste Analysis
725.372	Food Chain Crops
725.373	Unsaturated Zone (Zone of Aeration) Monitoring
725.374	Recordkeeping
725.375	Closure and Post-closure
725.376	Special Requirements for Ignitable or Reactive Waste
725.377	Special Requirements for Incompatible Wastes
725.378	
725.379	
725.380	
725.381	
725.382	

## SUBPART N: LANDFILLS

Section	Applicability
725.400	Design Requirements
725.401	General Operating Requirements
725.402	Surveying and Recordkeeping
725.403	Closure and Post-Closure
725.404	Special Requirements for Ignitable or Reactive Waste
725.405	Special Requirements for Incompatible Wastes
725.406	Special Requirements for Liquid Wastes
725.407	Special Requirements for Containers
725.408	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
725.409	
725.410	
725.411	
725.412	
725.413	
725.414	
725.415	
725.416	

## SUBPART O: INCINERATORS

Section	Applicability
725.440	Waste Analysis
725.441	General Operating Requirements
725.442	Monitoring and Inspection
725.443	Closure
725.444	Interim Status Incinerators Burning Particular Hazardous Wastes
725.445	
725.446	
725.447	
725.448	
725.449	
725.450	
725.451	
725.452	

## SUBPART P: THERMAL TREATMENT

Section	Other Thermal Treatment
725.470	General Operating Requirements
725.471	Waste Analysis
725.472	Monitoring and Inspections
725.473	Closure
725.474	Open Burning; Waste Explosives
725.475	Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste
725.476	
725.477	
725.478	
725.479	
725.480	
725.481	
725.482	
725.483	



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## SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section  
 725.500 Applicability  
 725.501 General Operating Requirements  
 725.502 Waste Analysis and Trial Tests  
 725.503 Inspections  
 725.504 Closure  
 725.505 Special Requirements for Ignitable or Reactive Waste  
 725.506 Special Requirements for Incompatible Wastes

## SUBPART R: UNDERGROUND INJECTION

Section  
 725.530 Applicability

## SUBPART W: DRIP PADS

Section  
 725.540 Applicability  
 725.541 Assessment of existing drip pad integrity  
 725.542 Design and installation of new drip pads  
 725.543 Design and operating requirements  
 725.544 Inspections  
 725.545 Closure

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section  
 725.930 Applicability  
 725.931 Definitions  
 725.932 Standards: Process Vents  
 725.933 Standards: Closed-vent Systems and Control Devices  
 725.934 Test methods and procedures  
 725.935 Recordkeeping Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
 725.950 Applicability  
 725.951 Definitions  
 725.952 Standards: Pumps in Light Liquid Service  
 725.953 Standards: Compressors  
 725.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
 725.955 Standards: Sampling Connecting Systems  
 725.956 Standards: Open-ended Valves or Lines  
 725.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors  
 725.959 Standards: Delay of Repair  
 725.960 Standards: Closed-vent Systems and Control Devices  
 725.961 Percent Leakage Alternative for Valves  
 725.962 Skip Period Alternative for Valves

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725.963 Test Methods and Procedures  
 725.964 Recordkeeping Requirements

## 725.Appendix A Recordkeeping Instructions

## 725.Appendix B EPA Report Form and Instructions (Repealed)

## 725.Appendix C EPA Interim Primary Drinking Water Standards

## 725.Appendix D Tests for Significance

## 725.Appendix E Examples of Potentially Incompatible Waste

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992.

## SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

## a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to



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treat, store or dispose of the waste in accordance with the requirements of this Part and 35 Ill. Adm. Code 728.

the waste specified on the accompanying manifest or shipping paper.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above.

- 2) The test methods which will be used to test for these parameters.

- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

- A) One of the sampling methods described in 35 Ill. Adm. Code 721. Appendix A or
- B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.293, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 728.107. And,



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- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
- The sampling of impoundment contents;
  - The analysis of test data; and,
  - The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
    - Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
    - Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- c) For off-site facilities, the waste analysis plan required in subsection (b) above, must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
  - The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 16 Ill. Reg. 9578 , effective June 9, 1992 )

Section 725.173 Operating Record

- The owner or operator shall keep a written operating record at the facility.
  - The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.
    - A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage or disposal at the facility as required by Appendix A;
    - The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;
- BOARD NOTE: See Sections 725.219, 725.379 and 725.409 for related requirements.
- Records and results of waste analysis and trial tests performed as specified in Sections 725.113, 725.293, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934 and 725.963 and 35 Ill. Adm. Code 728.104(a) and 728.107;
  - Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);
  - Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);
  - Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i) and 725.964;
- BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.



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- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;
- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 9) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 11) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and
- 12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.108, whichever is applicable.
- 13) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and,

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- 14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

## Section 725.212 Closure Plan; Amendment of Plan

- a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.
- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
  - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and
  - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site



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hazardous waste management unit(s) to be used, if applicable; and

- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
  - 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
  - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); and
  - 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.
- c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must

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include a copy of the amended closure plan for approval by the Agency.

- 1) The owner or operator shall amend the closure plan, whenever:
  - A) Changes in the operating plans or facility design affect the closure plan, or
  - B) Whenever there is a change in the expected year of closure, if applicable, or
  - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
- 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
- 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan shall be approved according to the procedures in subsection (d) (4) below.



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- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1), above. An owner or operator with an approved closure plan shall submit the modified plan within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4), below.

- d) Notification of partial closure and final closure.

- 1) When notice is required.

A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility ~~whichever is earlier~~ if it involves such a unit.

B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.

D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit.

E) Owners or operators with approved closure plans shall notify the Agency in writing at

least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.

- 2) The date when the owner or operator "expects to begin closure" must be either:

A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final-known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and



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operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

- B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.

## Section 725.213 Closure; Time Allowed for Closure

- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504. A copy of this modified plan with a

- a) Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), below, at a hazardous waste management unit or facility, or 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the unit or facility or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The Agency shall approve a longer period if the owner or operator demonstrates that:

## 1) Either:

- A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

## B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e), below;

- ii) There is a reasonable likelihood that the owner or operator, or another person will recommence operation of the



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hazardous waste management unit or facility within one year; and

- iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

- 2) The owner or operator have taken and will continue to take all steps to prevent threats to human health and the environment including compliance with all applicable interim status requirements.

- b) The owner or operator shall complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e) below, at the hazardous waste management unit or facility, or 180 days after approval of the closure plan, if that is later. The Agency shall approve an extension to the closure period if the owner or operator demonstrates that:

- 1) Either:

- A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

- B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e) below; and

- ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and

- iii) Closure of the hazardous waste management unit or facility would be

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incompatible with continued operation of the site; and

- 2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility, including compliance with all applicable interim status requirements.

- c) The demonstration referred to in subsections (a) (1) and (b) (1) above, must be made as follows:

- 1) The demonstration in subsection (a) (1) above, must be made at least 30 days prior to the expiration of the 90-day period in subsection (a) above; and

- 2) The demonstrations in subsection (b) (1) above, must be made at least 30 days prior to the expiration of the 180-day period in subsection (b) above, unless the owner or operator is otherwise subject to deadlines in subsection (d) below.

- d) Continued receipt of non-hazardous waste. The Agency shall permit an owner or operator to receive non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if:

- 1) The owner or operator submits an amended Part B application, or a new Part B application if none was previously submitted, and demonstrates that:

- A) The unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and

- B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous waste in the unit within one year after the final receipt of hazardous wastes; and

- C) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and



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- operating requirements of the unit or facility under this Part; and
- D) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
  - E) The owner or operator is operating and will continue to operate in compliance with all applicable interim status requirements; and
- 2) The Part B application includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186 and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 725.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and
  - 3) The Part B application is amended, as necessary and appropriate, to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and
  - 4) The Part B application and the demonstrations referred to in subsections (d)(1) and (2) above, are submitted to the Agency no later than 180 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes, or no later than 90 days after the effective date of this Section, whichever is later.
  - e) Surface impoundments. In addition to the requirements in subsection (d) above, an owner or operator of a hazardous waste surface impoundment which is not in compliance with the liner and leachate collection system requirements in Section 725.321(a) shall receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection.

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- 1) The petition for adjusted standard must include:
  - A) A plan for removing hazardous wastes; and
  - B) A contingent corrective measures plan.
- 2) The removal plan must provide for:
  - A) Removing all hazardous liquids; and
  - B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
  - C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates:
    - i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and
    - ii) That an extension will not pose a threat to human health and the environment.
- 3) The contingent corrective measures plan:
  - A) Must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
  - B) May be a portion of a corrective action plan previously submitted under Section 724.199.
  - C) May provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.
  - D) Must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) Release. A release is a statistically significant increase (or decrease in the case of pH) in



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hazardous constituents over background levels, detected in accordance with the requirements in Subpart F.

- 5) In the event of a release, the owner or operator of the unit:
  - A) Within 35 days, file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to:
    - i) Begin to implement the corrective measures plan in less than one year; or,
    - ii) Cease the receipt of wastes until the plan has been implemented.
    - iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7), below.
  - B) Shall implement the contingent corrective measures plan.
  - C) May continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator shall provide semi-annual reports to the Agency which:
  - A) Describe the progress of the corrective action program;
  - B) Compile all groundwater monitoring data; and
  - C) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.
- 7) Required closure. The owner or operator shall commence closure of the unit in accordance with the closure plan and the requirements of this Part

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if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.

- A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan; or
- B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; or
- C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.
- D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.
- 8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection.
  - A) Except as otherwise provided, the owner or operator shall follow the procedures of 35 Ill. Adm. Code 106. Subpart G to petition the Board for an adjusted standard.
  - B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1), above, if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (3), above.
  - C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1), above:



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- i) A plan for removing hazardous wastes.
- ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
- iii) A contingent corrective measures plan.
- iv) A requirement that, in the event of a release, the owner or operator shall: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
- v) A condition that the adjusted standard will terminate if the owner or operator fails to: implement the removal plan; or, timely file a required petition for adjusted standard.
- vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator shall commence closure of the unit in accordance with the requirements of the closure plan and this Part.

D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) above, as provided in that subsection or in subsection (e)(7) above.

- 9) The owner or operator may file a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

## SUBPART C: INCINERATORS

## Section 725.440 Applicability

- a) The regulations in this Subpart apply to owners or operators of facilities that ~~incinerate~~ hazardous waste

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incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise. ~~The following facility owners and operators are considered to incinerate hazardous waste:~~

- 1) ~~Owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110); and~~
- 2) ~~Owners or operators who burn hazardous wastes in boilers or in industrial furnaces in order to destroy them, or who burn hazardous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this Subpart.~~

b) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this Subpart, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in 35 Ill. Adm. Code 721.123(a)(4), and such documentation is retained at the facility, if the waste to be burned is:

- 1) Listed as a hazardous waste in 35 Ill. Adm. Code 721.123(a)(4), solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- 2) Listed as a hazardous waste in 35 Ill. Adm. Code 721.123(a)(4), solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
- 3) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.123(a)(4), (5), (6), (7) or (8); or
- 4) A hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) or (8); or



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(8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

## SUBPART P: THERMAL TREATMENT

## Section 725.470 Other Thermal Treatment

The regulations in this Subpart apply to owners and operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion except, as Section 725.101 provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of Subpart O if the unit is an incinerator, and 35 Ill. Adm. Code 726.Subpart H, if the unit is a boiler or industrial furnace as defined in 35 Ill. Adm. Code 720.110.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

## Section 725.935 Recordkeeping Requirements

## a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

## b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be

completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

- 2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including:

A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:



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- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
- B) A detailed engineering description of the closed-vent system and control device including:
- Manufacturer's name and model number of control device.
  - Type of control device.
  - Dimensions of the control device.
  - Capacity.
  - Construction materials.
- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- 4) Documentation of compliance with Section 725.933 must include the following information:
- A list of all information references and sources used in preparing the documentation.
  - Records, including the dates of each compliance test required by Section 725.933(j).
  - If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of API Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other

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- engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii), below, may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.
- For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
  - For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
  - For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
  - For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).



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v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

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D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 725.933(f) through (k).



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- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

- A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.
- B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i), above.
- C) For a catalytic vapor incinerator, any period when:
- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii), above; or
  - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii), above.
- D) For a boiler or process heater, any period when:
- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii), above; or
  - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a

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requirement of subsection (b)(4)(C)(iii), above.

- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v), above.
- G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v), above.
  - ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v), above.
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi), above.
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control



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device and complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) above.

- 5) Explanation for each period recorded under subsection (c)(4) above, of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:
  - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
  - B) Date when existing carbon in the control device is replaced with fresh carbon.
  - 8) Date of each control device startup and shutdown.
- d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (8) above, need be kept only 3 years.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), the when application of the knowledge of the nature of the

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hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 16 Ill. Reg. 9578, effective June 9, 1992)

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

## Section 725.952 Standards: Pumps in Light Liquid Service

## a) Monitoring

- 1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b), except as provided in subsections (d), (e) and (f) below.
- 2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

## b) Leaks

- 1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- 2) If there are indications of liquids dripping from the pump seal, a leak is detected.

## c) Repairs

- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
- 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.
- d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a) above, provided the following requirements are met:
  - 1) Each dual mechanical seal system must be:



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- A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures; or
- B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or
- C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.
- 2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- 3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
- 4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
- 5) Alarms
- A) Each sensor as described in subsection (d)(3) above must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
- B) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- 6) Leaks
- A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B) above, a leak is detected.

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- B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
- C) A first attempt at repair (e.g., relapping the seal) must be made no later than 5 calendar days after each leak is detected.
- e) Any pump that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c) and (d) above, if the pump meets the following requirements:
- 1) Must have no externally actuated shaft penetrating the pump housing.
  - 2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 725.963(c).
  - 3) Must be tested for compliance with subsection ~~(a)-(2)~~(e)(2) above, initially upon designation, annually and at other times as specified by the Agency pursuant to Section 725.950(e).
- f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 725.960, it is exempt from the requirements of subsections (a) through (e) above.

(Source: Amended at 16 Ill. Reg. 9578 , effective June 9, 1992)



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- 1) Heading of the Part: LAND DISPOSAL RESTRICTIONS
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section Numbers: Adopted Action:  
728.107, 728.109 Amended  
728.110, 728.111, 728.112 New Section  
728.113 New Section  
728.133, 728.135, 728.140, 728.141 Amended  
728.142, 728.144, Appendix D Amended  
Appendix E, Appendix G Amended  
Appendix H Amended  
Appendix I New Section  
Table A, Table B, Table C Amended  
Table D, Table E Amended  
Table H New Section  
4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1007.2, 1022.4 and 1027.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this amendment contain incorporations by reference?  
Yes. Section 728.110 - 728.113 and Appendix I incorporate rules and regulations of agencies of the United States, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 916
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?  
Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version:  
Several editorial changes have been made throughout the

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- rules:
- " ) - ( " and " ) - ( " have been changed to " ) through ( " .
- "above" or "below" has been inserted after each "subsection" reference.
- The following specific changes have been made to the Proposal:
- | Section            | Difference   |
|--------------------|--|
| Main Source Note   | References added to withdrawn corrections to R90-11.   |
| 728.107(a) (6)     | "subsequent to the point time of generation".  |
| 728.107(b) (4) (B) | "must either be included, or be referenced"  |
| 728.133(e)         | "requirements of subsection (a), (b), (c), (d), (e) and (f) above, do not"                         |
| 728.135(a) (3)     | Second entry for "P024" changed to "P026"  |
| 728.141            | Added to proposal.   |
| 728.144(a)         | Board Note added following subsection (a).   |
| 728.144(d)         | "petition for adjustment of a-an adjusted treatment standard,..."                                  |
| 728.144(e)         | "In conjunction with the normal any updating ..." "listing of all adjusted treatment standards..." |
| 728.144(h)         | "adjusted treatment standard..."   |
| 728.144(i)         | "adjusted treatment standard..."   |
| 728.144(j)         | "adjusted treatment standard..." "to evaluate the application petition."                           |
| 728.144(k)         | "adjusted treatment standard from a  |



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~~treatment standard...~~

728.144(m) - (o)

Added to proposal to allow site-specific USEPA "variances" to be adopted by "identical in substance" rulemaking.

728.Table A  
K061, High Zinc

Entry substantially revised.

728.Table B  
F039

"Aramite" corrected.

The entries for bis(2-Chloro-ethyl)ether is revised to read: "0.033 B ± 7.2 Å"

Under "Diphenylamine, the wastewater standard is revised to "0.52".

Under "Methanol", the CAS No. is revised to "67-56-1".

The wastewater entry for F039, Parathion revised to read: "0-017 0.014"

Under "Phthalic anhydride", the CAS No. is revised to "85-44-9".

K019

The nonwastewater entry for 1,2-Dichloroethane revised to read: "NA 6.0 Å"

K048

Under "Cyanides (Total)", the wastewater standard should remain as "0.028"

U028

"phthalate" corrected.

U214

"Thallium" corrected.

728.Table C  
PRECP

"flocculating" corrected.

RMETL

In items 5 and 7, "crystallization" corrected.

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## RTHRM "industrial furnaces"

728.Table D  
D008

CAS No. for lead corrected to "7439-92-1"

U248

"3%" corrected to "0.3%"

728.Table H

Listing of USEPA site-specific treatment variances added to Proposal.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.



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This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 728 contains the RCRA land disposal prohibitions. It is derived from 40 CFR 268, which was amended in connection with the "third third" corrections in the January 31, 1991, Federal Register. The Board has already made some of these corrections in prior Dockets.

**728.107** This Section governs waste analysis and record keeping. USEPA has made a number of changes to the wording.

**728.110 - 728.113** The Board has added four new Sections incorporating 40 CFR 268.10 - 268.13 by reference. Although these Sections on their face apply only to USEPA, they appear to also serve as a definition of the "thirds". As such, they may be necessary in the Illinois rules.

**728.133** This Section is the prohibition Section for the first third wastes. It contains a large number of temporary provisions which no longer have any prospective effect. The Board has deleted them.

**728.135** This Section is the prohibition for the third third wastes.

**728.140** This is the introduction to the treatment standards. It includes a large number of revised cross references.

**728.142** This Section establishes treatment standards by way of requiring certain technologies.

**728.142(a)(3)** This new subsection deals with wastewater mixed with de minimis losses of materials from manufacturing operations. The Board has referenced to the State regulations at 35 Ill. Adm. Code 309 and 310, which state the NPDES and pretreatment permit requirements derived from the Clean Water Act.

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**728.144**

This Section governs "treatability variances". As adopted by the Board, it utilizes the "adjusted standards" procedures of 35 Ill. Adm. Code 106 and Section 28.1 of the Act for making these as original determinations. The Board has added Section 728.144(m) - (o) to allow the Board to adopt State equivalents to site-specific "treatability variances" which have been adopted by USEPA.

**App. D and E**

These Appendices specify the types of wastes which may be placed in "lab packs". The corrections involve numerous replacements of specific entries in these lists.

**App. G and H**

These are listings which show the effective dates of various federal requirements and "variances". The Board has stricken the entire existing Appendices, and to replaced them with new text drawn from the USEPA diskettes.

**App. I**

A new appendix which contains the EP Toxicity test. This test was formerly used in the definition of hazardous waste in Section 721.124. It has been replaced by the TCLP test. However, the EP Toxicity test is still used for some of the land disposal bans. The Board has relied on incorporation by reference for this detailed test method.

**Tables A and B**

These Tables are drawn from 40 CFR 268.41, Table CCWE, and from 268.43, Table CCW. The Board has made numerous corrections derived from the USEPA corrections.

The Board has modified the proposal to include in Table A the August 19, 1991, treatment standards for K061, high zinc subcategory.

**Table C**

This Table is drawn from 40 CFR 268.42, Table 1. It defines acronyms for technologies which are specified in



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Table D.

This Table is derived from 40 CFR 268.42, Table 2. It contains treatment standards in the form of required technologies. For certain wastes, certain specified treatment is required. This differs from the performance-based CCW and CCWE standards.

Table E

This Table specifies required treatment technologies for radioactive mixed waste. Although radioactivity is not a hazardous characteristic under Part 721 [261], wastes which are hazardous for other reasons may exhibit radioactivity. Basically, the only change to this Table is the change from "INCIN," to "IMERC" for D009. However, the Board is repealing and replacing the entire Table with a better text obtained from USEPA in this Docket.

Table H

Added to proposal to list site-specific "treatment variances" granted by USEPA and adopted by the Board.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page.

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Waste Analysis and Recordkeeping
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third
728.111	Second Third
728.112	Third Third
728.113	Newly Listed Wastes

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Solvent Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes
728.133	Waste Specific Prohibitions -- First Third Wastes
728.134	Waste Specific Prohibitions -- Second Third Wastes
728.135	Waste Specific Prohibitions -- Third Third Wastes
728.139	Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards expressed as Concentrations in Waste Extract
728.142	Treatment Standards expressed as Specified Technologies
728.143	Treatment Standards expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard



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## SUBPART E: PROHIBITIONS ON STORAGE

- Section 728.150 Prohibitions on Storage of Restricted Wastes
- 728.Appendix A Toxicity Characteristic Leaching Procedure (TCLP)
- 728.Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)
- 728.Appendix C List of Halogenated Organic Compounds
- 728.Appendix D Organometallic Lab Packs
- 728.Appendix E Organic Lab Packs
- 728.Appendix F Technologies to Achieve Deactivation of Characteristics
- 728.Appendix G Federal Effective Dates
- 728.Appendix H National Capacity LDR Variances for UIC Wastes
- 728.Appendix I EP Toxicity Test Method and Structural Integrity Test

- 728.Table A Constituent Concentrations in Waste Extract (CCWE)
- 728.Table B Constituent Concentrations in Wastes (CCW)
- 728.Table C Technology Codes and Description of Technology-Based Standards
- 728.Table D Technology-Based Standards by RCRA Waste Code
- 728.Table E Standards for Radioactive Mixed Waste
- 728.Table H Wastes Excluded from CCW Treatment Standards

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992

## SUBPART A: GENERAL

## Section 728.107 Waste Analysis and Recordkeeping

- a) Except as specified in Section 728.132 ~~or 728.143~~, if a generator's waste is listed in 35 Ill. Adm. Code 721.Subpart D, the generator shall test the generator's waste, or test an extract developed using the test

method described in ~~Appendix A~~ 35 Ill. Adm. Code 721.Appendix B, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part. Except as specified in Section 728.132, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721.Subpart C, the generator shall test an extract using the test method described in Appendix I ("weye"), or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

## A) USEPA Hazardous Waste Number;

- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included, or be referenced as above, ~~or by~~ including on the notification the ~~subcategory of the waste, the treatability group(s) of the waste,~~ applicable wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.



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- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.
- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139.
- A) The notice must include the following information:
- i) USEPA Hazardous Waste Number;
  - ii) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or be referenced as above, or by including on the notification the subcategory of the waste, the ~~treatability group(s) of the waste(s)~~, wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subcategory where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.
  - iii) The manifest number associated with the

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- shipment of waste;
- iv) Waste analysis data, where available.
- B) The certification must be signed by an authorized representative and must state the following:
- I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.
- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268. Subpart C (1989), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:
- A) EPA hazardous waste number;
  - B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted



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wastes must either be included, or be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

- C) The manifest number associated with the shipment of waste;
  - D) Waste analysis data, where available, and
  - E) The date the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks or containers to meet applicable treatment standards under Subpart D, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.
  - B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.

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- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.
- 6) If a generator determines, subsequent to the time of generation, that the generator is managing a restricted waste which is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 721.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 67) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.



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- 78) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above, and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill. Adm. Code 728.142 or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 89) If a generator is managing a lab pack that contains organic wastes specified in Appendix E and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator also shall comply with the requirements in subsections (a)(5) and (a)(6) above, and shall submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142 or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 910) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall

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comply with the applicable notification and certification requirements of this subsection (a) above, for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.

- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3) below.

- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.
- 2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.
- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.
- 4) A notice must be sent with each waste shipment to the land disposal facility which includes the



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following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included, or be referenced as above, ~~ex-by~~ including on the notification the ~~sub-category of the waste, the treatability group(s) of the waste(s), wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.~~

- C) The manifest number associated with the shipment of waste; and
- D) Waste analysis data, where available.
- 5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139.
- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

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I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that,



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based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724. Subpart O) or 35 Ill. Adm. Code 725. Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above, and a notice which includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions

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under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b) above, and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.
- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) above, with respect to such waste.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728.109 Special Rules for Characteristic Wastes



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a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D. For purposes of ~~part 268~~ this Part, the waste will carry a the waste code designation for any applicable listing under 35 Ill. Adm. Code 721.Subpart D, ~~and also~~. In addition, the waste will carry one or more of the waste codes designations under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, as specified in subsection (b), below.

b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.

d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, for each shipment of such wastes to a non-hazardous waste facility, regulated under 35 Ill. Adm. Code 807 or 811 through 815, or exempted under Section 21(d)(1)(i) of the Environmental Protection Act, or similarly regulated in other States, the initial generator or the treatment facility need not send a Section 728.107 notification to such facility. In such circumstances, a notification and certification must be sent to the Agency, or, for out-of-State shipments, to the appropriate USEPA Regional Administrator or State authorized, pursuant to 40 CFR 271, to implement 40 CFR 268 requirements.

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1) The notification must include the following information:

- A) The name and address of the non-hazardous waste facility receiving the waste shipment;
- B) A description of the waste as initially generated, including the applicable USEPA Hazardous Waste Number(s) ~~and treatability group(s)~~, the applicable wastewater or nonwastewater (as defined in Section 728.102) category, and the subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides);

C) The treatment standards applicable to the waste at the initial point of generation.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A).

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION  
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.110 First Third

The Board incorporates by reference 40 CFR 268.10 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728.111 Second Third

The Board incorporates by reference 40 CFR 268.11 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728.112 Third Third

The Board incorporates by reference 40 CFR 268.12 (1991). This Section incorporates no later editions or amendments.



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(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728.113 Newly Listed Wastes

The Board incorporates by reference 40 CFR 268.13 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728.133 Waste Specific Prohibitions -- First Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers listed below are prohibited from land disposal (except in an injection well). ~~Until August 7, 1990, K061 wastes containing 1% zinc or greater are prohibited from land disposal pursuant to the treatment standards specified in Section 728.141 applicable to K061 wastes that contain less than 1% zinc.~~

F006 (nonwastewater)

K001

K004 wastes specified in Section 728.143(a) and Table B

K008 wastes specified in Section 728.143(a) and Table B

K015

K016

K018

K019

K020

K021 wastes specified in Section 728.143(a) and Table B

K022 (nonwastewater)

K024

K025 nonwastewaters specified in Section 728.143(a) and Table B

K030

K036

K037

K044

K045 (nonexplosive)

K046 (nonwastewater)

K047

K060 (nonwastewater)

K061 (nonwastewaters containing less than 15%

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zinc)

K062 (non CaSO<sub>4</sub>)

K069 (nonwastewater)

K086 (solvent washes),

K087

K099

K100 nonwastewaters specified in Section 728.143(a) and Table B

K101 (wastewater)

K101 (nonwastewater, low arsenic subcategory -- less than 1% total arsenic

K102 (wastewater)

K102 (nonwastewater, low arsenic subcategory -- less than 1% total arsenic

K103

K104

- b) ~~Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste Nos. K048, K049, K050, K051, K052, K061 (containing 1% zinc or greater), and K071 are prohibited from land disposal.~~

- c) ~~Effective August 8, 1990, the wastes specified in Section 728.110 having a treatment standard in Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.~~

- d) ~~Until August 8, 1990, wastes included in subsection (b) and (c) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105.~~

- e) The requirements of subsection (a), (b), (c) and (d) and (c), above, do not apply if:

- 1) The wastes meet the applicable standards specified in Subpart D; or
- 2) Persons have been granted an adjusted standard pursuant to Section 728.106, with respect to those wastes and units covered by the petition; or
- 3) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.



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f) ~~Until May 8, 1990, the wastes specified in Section 728.110 for which treatment standards under Subpart D have not been promulgated, including those wastes which are subject to the statutory prohibitions of Section 728.139 or codified prohibitions under Section 728.132, but not including wastes subject to a treatment standard under Section 728.142, are prohibited from disposal in a landfill or surface impoundment unless a demonstration and certification have been submitted pursuant to Section 728.108.~~

g) To determine whether a hazardous waste listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131 and 728.143, the initial generator shall test a representative sample of the waste extract or the entire waste depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable except as otherwise specified.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

### Section 728.135 Waste Specific Prohibitions--Third Third wastes.

a) The following wastes are prohibited from land disposal.

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F002 (1,1,2-trichloroethane)  
 F005 (benzene)  
 F005 (2-ethoxyethanol)  
 F005 (2-nitropropane)  
 F006 (wastewaters),  
 F019  
 F025  
 F039 (wastewaters);

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K002  
 K003

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K004 (wastewaters)  
 K005 (wastewaters)  
 K006 (wastewaters)  
 K008 (wastewaters)  
 K011 (wastewaters)  
 K013 (wastewaters)  
 K014 (wastewaters)  
 K015 (nonwastewaters)  
 K017 (wastewaters)  
 K021 (wastewaters)  
 K022 (wastewaters)  
 K025 (wastewaters)  
 K026 (wastewaters)  
 K029 (wastewaters)  
 K031 (wastewaters)  
 K032  
 K033  
 K034  
 K035  
 K041  
 K042  
 K046 (wastewaters, reactive nonwastewaters)  
 K048 (wastewaters)  
 K049 (wastewaters)  
 K050 (wastewaters)  
 K051 (wastewaters)  
 K052 (wastewaters)  
 K060 (wastewaters)  
 K061 (wastewaters) and (high zinc subcategory > 15% zinc)  
 K069 (wastewaters, calcium sulfate nonwastewaters)  
 K073  
 K083 (wastewaters)  
 K084 (wastewaters)  
 K085  
 K095 (wastewaters)  
 K096 (wastewaters)  
 K097  
 K098  
 K100 (wastewaters)  
 K101 (wastewaters)  
 K102 (wastewaters)  
 K105  
 K106 (wastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:



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- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U001  
U002  
U003  
U004  
U005  
U006  
U007  
U008  
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U010  
U011  
U012



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U201  
U202  
U203  
U204  
U205  
U206  
U207  
U208  
U209  
U210  
U211  
U213  
U214  
U215  
U216  
U217  
U218  
U219  
U220  
U222  
U225  
U226  
U227  
U228  
U234  
U236  
U237



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U238  
U239  
U240  
U243  
U244  
U246  
U247  
U248  
U249

- 4) The following wastes identified as hazardous based on a characteristic alone:

D001  
D002  
D003  
D004 (wastewaters)  
D005  
D006  
D007  
D008 (except for lead materials stored before secondary smelting) (wastewaters)  
D009  
D010  
D011  
D012  
D013  
D014  
D015  
D016  
D017

- b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K048 (nonwastewaters)  
K049 (nonwastewaters)  
K050 (nonwastewaters)  
K051 (nonwastewaters)  
K052 (nonwastewaters)

- c) Effective May 8, 1992, the following wastes are prohibited from land disposal:

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F039 (nonwastewaters)

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- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K031 (nonwastewaters)  
K084 (nonwastewaters)  
K101 (nonwastewaters)  
K102 (nonwastewaters)  
K106 (nonwastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:

P010 (nonwastewaters)  
P011 (nonwastewaters)  
P012 (nonwastewaters)  
P036 (nonwastewaters)  
P038 (nonwastewaters)  
P065 (nonwastewaters)  
P087 (~~nonwastewaters~~)  
P092 (nonwastewaters)

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U136 (nonwastewaters)  
U151 (nonwastewaters)

- 5) The following wastes identified as hazardous based on a characteristic alone:

D004 (nonwastewaters)  
D008 (lead materials stored before secondary smelting)  
D009 (nonwastewaters);

- 6) Inorganic solids debris as defined in 35 Ill. Adm. Code 728.102(e)(7) (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K048-K052)

- 7) RCRA hazardous wastes that contain naturally occurring radioactive materials.

d) Effective May 8, 1992, hazardous wastes listed in 40 CFR 260.12 Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, are prohibited from land



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## disposal.

- e) Effective May 8, 1992, the wastes specified in this Section having a treatment standard in Subpart D based on incineration, mercury retorting, vitrification, acid leaching followed by chemical precipitation or thermal recovery of metals and which are contaminated soil or debris, are prohibited from land disposal.
- h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e) above, shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- i) The requirements of subsections (a), (b), (c), (d) and (e) above, do not apply if:

- 1) The wastes meet the applicable standards specified in Subpart D;
- 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

- j) To determine whether a hazardous waste listed in ~~40 CFR 268.10-268.11 and 268.12~~ Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

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(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## SUBPART D: TREATMENT STANDARDS

## Section 728.140 Applicability of Treatment Standards

- a) A restricted waste identified in Section ~~728.141~~ may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using the test method ~~Appendix A35~~ Ill. Adm. Code ~~721~~ ~~Appendix B~~ does not exceed the value shown in Table A for any hazardous constituent listed in Table A for that waste, with the following exceptions: D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. ~~Wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136~~ These wastes may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in 35 Ill. Adm. Code 721 ~~Appendix AB~~ or the test method in ~~35 Ill. Adm. Code 728~~ ~~Appendix BI~~ ("eye") of this Part does not exceed the ~~value~~ concentrations shown in Table ~~BA~~ for any hazardous constituent listed in Table A for that waste.

- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b).

- c) Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.143 may be land disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Table B for any hazardous constituent listed in Table B for that waste.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

- a) Table A identifies the restricted wastes and the concentrations of their associated hazardous constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix A for the allowable land



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disposal of such waste, with the exception of wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. Table A identifies the restricted wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136 and the concentrations of their associated constituents which shall not be exceeded by the extract of a waste or waste treatment residual developed using the test method in 35 Ill. Adm. Code 721. Appendix A or B for the allowable land disposal of such wastes. (Appendix B provides guidance on treatment methods that have been shown to achieve the Table A levels for the respective wastes. Appendix B is not a regulatory requirement but is provided to assist generators and owners or operators in their selection of appropriate treatment methods.) Compliance with these concentrations is required based on grab samples.

- b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

### Section 728.142 Treatment Standards expressed as Specified Technologies

- a) The following wastes in subsections (a)(1) and (2), below, and Table D and E must be treated using the technology or technologies specified in subsections (a)(1) and (2), below, and Table C.
- 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section

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must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

- 2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O. These treatment standards do not apply where the waste is subject to a Subpart E treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

- 3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process, and that meet the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory, is subject to the DEACT treatment standard described in Table C. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and
- E) Relief device discharges.

- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that



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achievable by methods specified in subsections (a), (b), (c) and (d), below. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1022.6 and 1039(h)), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (b), (c) and (d), below. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable Subpart D treatment standards, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

- 2) All hazardous wastes contained in such lab packs are specified in Appendix D or Appendix E;
- 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O; and
- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D.

d) Radioactive hazardous mixed wastes with treatment standards specified in Table E are not subject to any treatment standards specified in Section 728.141,

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Section 728.143 or Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Table E remain subject to all applicable treatment standards specified in Section 728.141, Section 728.143 and Table D.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728.144 Adjustment of Treatment Standard

- a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition to the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified level or by the specified methods.

BOARD NOTE: 40 CFR 268.44 refers to these as "treatability variances". The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an "adjusted treatment standard" pursuant to subsections (a) through (l), or a "treatability exception" adopted pursuant to subsections (m) et seq. While the latter is adopted by "identical in substance" rulemaking following a USEPA action, the former is an original Board action which will be the only mechanism following authorization to the state of this component of the RCRA program.

- b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.Subpart G.
- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for



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obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- d) After receiving a petition for ~~adjustment of a an~~ adjusted treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. ~~The final decision on an adjusted treatment standard will be published in the Environmental Register.~~ In conjunction with any updating of the RCRA regulations, the Board will maintain in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. A LISTING OF ALL ADJUSTED STANDARDS GRANTED PURSUANT TO THIS SECTION WILL BE PUBLISHED IN THE ILLINOIS REGISTER AND ENVIRONMENTAL REGISTER AT THE END OF EACH FISCAL YEAR. (Section 28.1(d)(3) of the Environmental Protection Act.)
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
- h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted treatment standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

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- i) Each petition for a site-specific adjusted treatment standard must include the information in 40-CFR 260.20(b)(1) through (b)(4), ~~incorporated by reference in 35 Ill. Adm. Code 720.1135 Ill. Adm. Code 720.120(b)(1) through (4).~~
  - j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the application ~~petition~~.
  - k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard ~~from a treatment standard~~ shall comply with the waste analysis requirements for restricted wastes in Section 728.107.
  - l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
  - m) If USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 (1991) and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act.
- BOARD NOTE: The Board will adopt the treatability exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.
- o) The facilities listed in Table H are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the constituent concentrations listed in Table H.
- (Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)
- Section 728. Appendix D Organometallic Lab Packs  
Hazardous waste with the following EPA hazardous waste codes







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F001, F002, F003, F004, F005, F010, F020, F021, F022, F023, ~~F024~~,  
F025, F026, F027, F028

[illegible]

D001, D012, D013, D014, D015, D016, D017

**BOARD NOTE:** 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728. Appendix G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

Waste Code	Waste Category	Effective date
California list	Liquid hazardous wastes, including free liquids associated with solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l or certain metals or compounds of these metals greater than or equal to the prohibition levels	July 0, 1987
California list	Liquid (aqueous) hazardous wastes having a pH less than or equal to 2	July 0, 1987
California list	Dilute HOC wastewaters, defined as HOC waste mixtures that are primarily water and that contain greater than or equal to 1,000 mg/l but less than 10,000 mg/l	July 0, 1987
California list	Liquid hazardous waste containing PCBs greater than or equal to 50 ppm	July 0, 1987



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B010	Inorganic-solid-debris	May-8, 1992	F010	Soil-and-debris	June-8, 1991
B010	All-ethers	Aug-8, 1990	F010	All-ethers	June-8, 1989
B011	Inorganic-solid-debris	May-8, 1992	F011	All	July-8, 1989
B011	All-ethers	Aug-8, 1990	F012	All	July-8, 1989
B012	All	Aug-8, 1990	F019	All	Aug-8, 1990
B013	All	Aug-8, 1990	F020	Soil-and-debris	Nov-8, 1990
B014	All	Aug-8, 1990	F020	All-ethers	Nov-8, 1988
B015	All	Aug-8, 1990	F021	Soil-and-debris	Nov-8, 1990
B016	All	Aug-8, 1990	F021	All-ethers	Nov-8, 1988
B017	All	Aug-8, 1990	F022	Soil-and-debris	Nov-8, 1990
F001-F005	All, except in next listing	Nov-8, 1986	F022	All-ethers	Nov-8, 1988
F001-F005	Small-quantity-generators, CERCLA/RCRA-corrective-action, initial-generator/s-solvent-water mixtures, solvent-containing sludges-and-solids, and non CERCLA/RCRA-corrective-action-soils with less than 1 percent total solvent constituents	Nov-8, 1988	F023	Soil-and-debris	Nov-8, 1990
F001-F005	Soil-and-debris	Nov-8, 1990	F023	All-ethers	Nov-8, 1988
F002-b	All	Aug-8, 1990	F024	Soil-and-debris	June-8, 1991
F005-e	All	Aug-8, 1990	F024 (metals)	Nonwastewater	Aug-8, 1990
F006	Wastewater	Aug-8, 1990	F024	All	Aug-8, 1990
F006	Nonwastewater	Aug-8, 1988	F024 (dioxins/furane)	All	Aug-8, 1990
F006 (cyanides)	Nonwastewater	July-8, 1989	F024	All-ethers	June-8, 1989
F007	All	July-8, 1989	F025	All	Aug-8, 1990
F008	All	July-8, 1989	F026	Soil-and-debris	Nov-8, 1990
F009	All	July-8, 1989	F026	All-ethers	Nov-8, 1988
			F027	Soil-and-debris	Nov-8, 1990
			F027	All-ethers	Nov-8, 1988
			F028	Soil-and-debris	Nov-8, 1990
			F028	All-ethers	Nov-8, 1988



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K009	Wastewater	Aug. 8, 1990
K009	Nonwastewater	May, 8, 1992
K001	Soil and debris	Aug. 8, 1990
K001 (lead/organics)	All	Aug. 8, 1990
K001	All others	Aug. 8, 1988
K002	All	Aug. 8, 1990
K003	All	Aug. 8, 1990
K004	All	Aug. 8, 1990
K005-a	All	Aug. 8, 1990
K006	All	Aug. 8, 1990
K007-a	All	Aug. 8, 1990
K008	All	Aug. 8, 1990
K009	Soil and debris	June 8, 1991
K009	All others	June 8, 1989
K010	Soil and debris	June 8, 1991
K010	All others	June 8, 1989
K011	Wastewater	Aug. 8, 1990
K011	Nonwastewater	June 8, 1989
K011	Soil and debris	June 8, 1991
K013	Wastewater	Aug. 8, 1990
K013	Nonwastewater	June 8, 1989
K013	Soil and debris	June 8, 1991
K014	Wastewater	Aug. 8, 1990
K014	Nonwastewater	June 8, 1989

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K014	Soil and debris	June 8, 1991
K015	Wastewater	Aug. 8, 1988
K015	Nonwastewater	Aug. 8, 1990
K016	Soil and debris	Aug. 8, 1990
K016	All others	Aug. 8, 1988
K017	All	Aug. 8, 1990
K018	Soil and debris	Aug. 8, 1990
K018	All others	Aug. 8, 1988
K019	Soil and debris	Aug. 8, 1990
K019	All others	Aug. 8, 1988
K020	Soil and debris	Aug. 8, 1990
K020	All others	Aug. 8, 1988
K021-e	All	Aug. 8, 1990
K022	Wastewater	Aug. 8, 1990
K022	Nonwastewater	Aug. 8, 1988
K022	Soil and debris	Aug. 8, 1990
K023	Soil and debris	June 8, 1991
K023	All others	June 8, 1989
K024	Soil and debris	Aug. 8, 1990
K024	All others	Aug. 8, 1988
K025-a	All	Aug. 8, 1990
K026	All	Aug. 8, 1990
K027	Soil and debris	June 8, 1991
K027	All others	June 8, 1989
K028	Soil and debris	June 8, 1991



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K028 (metal)	Nonwastewater	Aug. 8, 1990	K043	Soil and debris	June 8, 1991
K028	All others	June 8, 1989	K043	All others	June 8, 1989
K029	Wastewater	Aug. 8, 1990	K044	All	Aug. 8, 1990
K029	Nonwastewater	June 8, 1989	K045	All	Aug. 8, 1990
K029	Soil and debris	June 8, 1991	K046	Nonreactive nonwastewater	Aug. 8, 1988
K030	Soil and debris	Aug. 8, 1990	K046	All others	Aug. 8, 1990
K030	All others	Aug. 8, 1988	K047	All	Aug. 8, 1990
K031	Wastewater	Aug. 8, 1990	K048	Wastewater	Aug. 8, 1990
K031	Nonwastewater	May 8, 1992	K048	Nonwastewater	Nov. 8, 1990
K032	All	Aug. 8, 1990	K049	Wastewater	Aug. 8, 1990
K033	All	Aug. 8, 1990	K049	Nonwastewater	Nov. 8, 1990
K034	All	Aug. 8, 1990	K050	Wastewater	Aug. 8, 1990
K035	All	Aug. 8, 1990	K050	Nonwastewater	Nov. 8, 1990
K036-e	All	Aug. 8, 1990	K051	Wastewater	Aug. 8, 1990
K037	Soil and debris	Aug. 8, 1990	K051	Nonwastewater	Nov. 8, 1990
K037	Wastewater	Aug. 8, 1990	K052	Wastewater	Aug. 8, 1990
K037	All others	Aug. 8, 1988	K052	Nonwastewater	Nov. 8, 1990
K038	Soil and debris	June 8, 1991	K060-e	All	Aug. 8, 1990
K038	All others	June 8, 1989	K061	Wastewater	Aug. 8, 1990
K039	Soil and debris	June 8, 1991	K061	Nonwastewater	Aug. 8, 1988
K039	All others	June 8, 1989	K062	All	Aug. 8, 1988
K040	Soil and debris	June 8, 1991	K069	All	Aug. 8, 1990
K040	All others	June 8, 1989	K073	All	Aug. 8, 1990
K041	All	Aug. 8, 1990	K083	All	Aug. 8, 1990
K042	All	Aug. 8, 1990	K084	Wastewater	Aug. 8, 1990

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K043	Soil and debris	June 8, 1991
K043	All others	June 8, 1989
K044	All	Aug. 8, 1990
K045	All	Aug. 8, 1990
K046	Nonreactive nonwastewater	Aug. 8, 1988
K046	All others	Aug. 8, 1990
K047	All	Aug. 8, 1990
K048	Wastewater	Aug. 8, 1990
K048	Nonwastewater	Nov. 8, 1990
K049	Wastewater	Aug. 8, 1990
K049	Nonwastewater	Nov. 8, 1990
K050	Wastewater	Aug. 8, 1990
K050	Nonwastewater	Nov. 8, 1990
K051	Wastewater	Aug. 8, 1990
K051	Nonwastewater	Nov. 8, 1990
K052	Wastewater	Aug. 8, 1990
K052	Nonwastewater	Nov. 8, 1990
K060-e	All	Aug. 8, 1990
K061	Wastewater	Aug. 8, 1990
K061	Nonwastewater	Aug. 8, 1988
K062	All	Aug. 8, 1988
K069	All	Aug. 8, 1990
K073	All	Aug. 8, 1990
K083	All	Aug. 8, 1990
K084	Wastewater	Aug. 8, 1990



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K084	Nonwastewater	May 8, 1992	K104	Soil and debris	Aug. 8, 1990
K085	All	Aug. 8, 1990	K104	All others	Aug. 8, 1988
K086	All	Aug. 8, 1990	K105	All	Aug. 8, 1990
K087	Soil and debris	Aug. 8, 1990	K106	High-mercury nonwastewater	May 8, 1992
K087	All others	Aug. 8, 1988	K106	Low-mercury nonwastewater	May 8, 1992
K093	Soil and debris	June 8, 1991	K106	All others	Aug. 8, 1990
K093	All others	June 8, 1989	K113	Soil and debris	June 8, 1991
K094	Soil and debris	June 8, 1991	K113	All others	June 8, 1989
K094	All others	June 8, 1989	K114	Soil and debris	June 8, 1991
K095	Wastewater	Aug. 8, 1990	K114	All others	June 8, 1989
K095	Nonwastewater	June 8, 1989	K115	Soil and debris	June 8, 1991
K095	Soil and debris	June 8, 1991	K115	All others	June 8, 1989
K096	Wastewater	Aug. 8, 1990	K116	Soil and debris	June 8, 1991
K096	Nonwastewater	June 8, 1989	K116	All others	June 8, 1989
K096	Soil and debris	June 8, 1991	P001	All	Aug. 8, 1990
K097	All	Aug. 8, 1990	P002	All	Aug. 8, 1990
K098	All	Aug. 8, 1990	P003	All	Aug. 8, 1990
K099	All	Aug. 8, 1988	P004	All	Aug. 8, 1990
K100-e	All	Aug. 8, 1990	P005	All	Aug. 8, 1990
K101	Wastewater	Aug. 8, 1988	P006	All	Aug. 8, 1990
K101	Nonwastewater	May 8, 1992	P007	All	Aug. 8, 1990
K102	Wastewater	Aug. 8, 1988	P008	All	Aug. 8, 1990
K102	Nonwastewater	May 8, 1992	P009	All	Aug. 8, 1990
K103	Soil and debris	Aug. 8, 1990	P010	Wastewater	Aug. 8, 1990
K103	All others	Aug. 8, 1988	P010	Nonwastewater	May 8, 1992

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P011	Wastewater	Aug. 8, 1990
P011	Nonwastewater	May 8, 1992
P012	Wastewater	Aug. 8, 1990
P012	Nonwastewater	May 8, 1992
P013	All	Aug. 8, 1990
P014	All	Aug. 8, 1990
P015	All	Aug. 8, 1990
P016	All	Aug. 8, 1990
P017	All	Aug. 8, 1990
P018	All	Aug. 8, 1990
P020	All	Aug. 8, 1990
P021	All	June 8, 1989
P022	All	Aug. 8, 1990
P023	All	Aug. 8, 1990
P024	All	Aug. 8, 1990
P026	All	Aug. 8, 1990
P027	All	Aug. 8, 1990
P028	All	Aug. 8, 1990
P029	All	June 8, 1989
P030	All	June 8, 1989
P031	All	Aug. 8, 1990
P033	All	Aug. 8, 1990
P034	All	Aug. 8, 1990
P036	Wastewater	Aug. 8, 1990
P036	Nonwastewater	May 8, 1992

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P037	All	Aug. 8, 1990
P038	Wastewater	Aug. 8, 1990
P038	Nonwastewater	May 8, 1992
P039	Soil and debris	June 8, 1991
P039	All others	June 8, 1989
P040	Soil and debris	June 8, 1991
P040	All others	June 8, 1989
P041	Soil and debris	June 8, 1991
P041	All others	June 8, 1989
P042	All	Aug. 8, 1990
P043	Soil and debris	June 8, 1991
P043	All others	June 8, 1989
P044	Soil and debris	June 8, 1991
P044	All others	June 8, 1989
P045	All	Aug. 8, 1990
P046	All	Aug. 8, 1990
P047	All	Aug. 8, 1990
P048	All	Aug. 8, 1990
P049	All	Aug. 8, 1990
P050	All	Aug. 8, 1990
P051	All	Aug. 8, 1990
P054	All	Aug. 8, 1990
P056	All	Aug. 8, 1990
P057	All	Aug. 8, 1990
P058	All	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P059	All	Aug. 8, 1990	P084	All	Aug. 8, 1990
P060	All	Aug. 8, 1990	P085	Soil and debris	June 8, 1991
P062	Soil and debris	June 8, 1991	P085	All others	June 8, 1989
P062	All others	June 8, 1989	P087	All	May 8, 1992
P063	All	June 8, 1989	P088	All	Aug. 8, 1990
P064	All	Aug. 8, 1990	P089	Soil and debris	June 8, 1991
P065	High mercury nonwastewater	May 8, 1992	P089	All others	June 8, 1989
P065	Low mercury nonwastewater	May 8, 1992	P092	High mercury nonwastewater	May 8, 1992
P065	All others	Aug. 8, 1990	P092	Low mercury nonwastewater	May 8, 1992
P066	All	Aug. 8, 1990	P092	All others	Aug. 8, 1990
P067	All	Aug. 8, 1990	P093	Soil and debris	May 8, 1992
P069	All	Aug. 8, 1990	P093	All others	Aug. 8, 1990
P069	All	Aug. 8, 1990	P094	Soil and debris	June 8, 1991
P070	All	Aug. 8, 1990	P094	All others	June 8, 1989
P071	Soil and debris	June 8, 1991	P095	Soil and debris	May 8, 1992
P071	All others	June 8, 1989	P095	All others	Aug. 8, 1990
P072	All	Aug. 8, 1990	P096	All	Aug. 8, 1990
P073	All	Aug. 8, 1990	P097	Soil and debris	June 8, 1991
P074	All	June 8, 1989	P097	All others	June 8, 1989
P075	All	Aug. 8, 1990	P098	All	June 8, 1989
P076	All	Aug. 8, 1990	P099 (silver)	Wastewater	Aug. 8, 1990
P077	All	Aug. 8, 1990	P099 (cyanides)	Wastewater	Aug. 8, 1990
P078	All	Aug. 8, 1990	P099 (cyanides/silver)	Nonwastewater	June 8, 1989
P081	All	Aug. 8, 1990	P101	All	Aug. 8, 1990
P082	All	Aug. 8, 1990			

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P084	All	Aug. 8, 1990
P085	Soil and debris	June 8, 1991
P085	All others	June 8, 1989
P087	All	May 8, 1992
P088	All	Aug. 8, 1990
P089	Soil and debris	June 8, 1991
P089	All others	June 8, 1989
P092	High mercury nonwastewater	May 8, 1992
P092	Low mercury nonwastewater	May 8, 1992
P092	All others	Aug. 8, 1990
P093	Soil and debris	May 8, 1992
P093	All others	Aug. 8, 1990
P094	Soil and debris	June 8, 1991
P094	All others	June 8, 1989
P095	Soil and debris	May 8, 1992
P095	All others	Aug. 8, 1990
P096	All	Aug. 8, 1990
P097	Soil and debris	June 8, 1991
P097	All others	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	Aug. 8, 1990
P099 (cyanides)	Wastewater	Aug. 8, 1990
P099 (cyanides/silver)	Nonwastewater	June 8, 1989
P101	All	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Pi02	All	Aug. 8, 1990	Pi21	All	June 8, 1989
Pi03	All	Aug. 8, 1990	Pi22	All	Aug. 8, 1990
Pi04 (silver)	Wastewater	Aug. 8, 1990	Pi23	All	Aug. 8, 1990
Pi04 (cyanides)	Wastewater	June 8, 1989	U001	All	Aug. 8, 1990
Pi04 (cyanides/silver)	Nonwastewater	June 8, 1989	U002	All	Aug. 8, 1990
Pi05	All	Aug. 8, 1990	U003	Soil and debris	May 8, 1992
Pi06	All	June 8, 1989	U004	All others	Aug. 8, 1990
Pi08	Soil and debris	May 8, 1992	U005	All	Aug. 8, 1990
Pi08	All others	Aug. 8, 1990	U006	Soil and debris	May 8, 1992
Pi09	Soil and debris	June 8, 1991	U006	All others	Aug. 8, 1990
Pi09	All others	June 8, 1989	U007	Soil and debris	May 8, 1992
Pi10	All	Aug. 8, 1990	U007	All others	Aug. 8, 1990
Pi11	Soil and debris	June 8, 1991	U008	All	Aug. 8, 1990
Pi11	All others	June 8, 1989	U009	All	Aug. 8, 1990
Pi12	All	Aug. 8, 1990	U010	Soil and debris	May 8, 1992
Pi13	All	Aug. 8, 1990	U010	All others	Aug. 8, 1990
Pi14	All	Aug. 8, 1990	U011	Soil and debris	May 8, 1992
Pi15	All	Aug. 8, 1990	U011	All others	Aug. 8, 1990
Pi16	Soil and debris	May 8, 1992	U012	All	Aug. 8, 1990
Pi16	All others	Aug. 8, 1990	U014	Soil and debris	May 8, 1992
Pi18	Soil and debris	May 8, 1992	U014	All others	Aug. 8, 1990
Pi18	All others	Aug. 8, 1990	U015	Soil and debris	May 8, 1992
Pi19	All	Aug. 8, 1990	U015	All others	Aug. 8, 1990
Pi20	All	Aug. 8, 1990	U016	All	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U017	Soil and debris	May 8, 1992	U035	Soil and debris	May 8, 1992
U017	All others	Aug. 8, 1990	U035	All others	Aug. 8, 1990
U018	All	Aug. 8, 1990	U036	All	Aug. 8, 1990
U019	All	Aug. 8, 1990	U037	All	Aug. 8, 1990
U020	Soil and debris	May 8, 1992	U038	Soil and debris	May 8, 1992
U020	All others	Aug. 8, 1990	U038	All others	Aug. 8, 1990
U021	Soil and debris	May 8, 1992	U039	All	Aug. 8, 1990
U021	All others	Aug. 8, 1990	U041	Soil and debris	May 8, 1992
U022	All	Aug. 8, 1990	U041	All others	Aug. 8, 1990
U023	All	Aug. 8, 1990	U042	Soil and debris	May 8, 1992
U024	All	Aug. 8, 1990	U042	All others	Aug. 8, 1990
U025	All	Aug. 8, 1990	U043	All	Aug. 8, 1990
U026	Soil and debris	May 8, 1992	U044	All	Aug. 8, 1990
U026	All others	Aug. 8, 1990	U045	All	Aug. 8, 1990
U027	All	Aug. 8, 1990	U046	Soil and debris	May 8, 1992
U028	Soil and debris	June 8, 1991	U046	All others	Aug. 8, 1990
U028	All others	June 8, 1991	U047	All	Aug. 8, 1990
U029	All	Aug. 8, 1990	U048	All	Aug. 8, 1990
U030	All	Aug. 8, 1990	U049	Soil and debris	May 8, 1992
U031	All	Aug. 8, 1990	U049	All others	Aug. 8, 1990
U032	All	Aug. 8, 1990	U050	All	Aug. 8, 1990
U033	Soil and debris	May 8, 1992	U051	All	Aug. 8, 1990
U033	All others	Aug. 8, 1990	U052	All	Aug. 8, 1990
U034	Soil and debris	May 8, 1992	U053	All	Aug. 8, 1990
U034	All others	Aug. 8, 1990	U055	All	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U035	Soil and debris	May 8, 1992
U035	All others	Aug. 8, 1990
U036	All	Aug. 8, 1990
U037	All	Aug. 8, 1990
U038	Soil and debris	May 8, 1992
U038	All others	Aug. 8, 1990
U039	All	Aug. 8, 1990
U041	Soil and debris	May 8, 1992
U041	All others	Aug. 8, 1990
U042	Soil and debris	May 8, 1992
U042	All others	Aug. 8, 1990
U043	All	Aug. 8, 1990
U044	All	Aug. 8, 1990
U045	All	Aug. 8, 1990
U046	Soil and debris	May 8, 1992
U046	All others	Aug. 8, 1990
U047	All	Aug. 8, 1990
U048	All	Aug. 8, 1990
U049	Soil and debris	May 8, 1992
U049	All others	Aug. 8, 1990
U050	All	Aug. 8, 1990
U051	All	Aug. 8, 1990
U052	All	Aug. 8, 1990
U053	All	Aug. 8, 1990
U055	All	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U056	All	Aug. 8, 1990	U074	All-ethers	Aug. 8, 1990
U057	All	Aug. 8, 1990	U075	All	Aug. 8, 1990
U058	Soil-and-debris	June 8, 1992	U076	All	Aug. 8, 1990
U058	All-ethers	June 8, 1999	U077	All	Aug. 8, 1990
U059	Soil-and-debris	May 8, 1992	U078	All	Aug. 8, 1990
U059	All-ethers	Aug. 8, 1990	U079	All	Aug. 8, 1990
U060	Soil-and-debris	May 8, 1992	U080	All	Aug. 8, 1990
U060	All-ethers	Aug. 8, 1990	U081	All	Aug. 8, 1990
U061	Soil-and-debris	May 8, 1992	U082	All	Aug. 8, 1990
U061	All-ethers	Aug. 8, 1990	U083	All	Aug. 8, 1990
U062	Soil-and-debris	May 8, 1992	U084	All	Aug. 8, 1990
U062	All-ethers	Aug. 8, 1990	U085	All	Aug. 8, 1990
U063	All	Aug. 8, 1990	U086	All	Aug. 8, 1990
U064	All	Aug. 8, 1990	U087	Soil-and-debris	June 8, 1991
U066	All	Aug. 8, 1990	U087	All-ethers	June 8, 1999
U067	All	Aug. 8, 1990	U088	Soil-and-debris	June 8, 1991
U068	All	Aug. 8, 1990	U088	All-ethers	June 8, 1999
U069	Soil-and-debris	June 8, 1991	U089	All	Aug. 8, 1990
U069	All-ethers	June 8, 1999	U090	All	Aug. 8, 1990
U070	All	Aug. 8, 1990	U091	Soil-and-debris	May 8, 1992
U071	All	Aug. 8, 1990	U091	All-ethers	Aug. 8, 1990
U072	All	Aug. 8, 1990	U092	Soil-and-debris	May 8, 1992
U073	Soil-and-debris	May 8, 1992	U092	All-ethers	Aug. 8, 1990
U073	All-ethers	Aug. 8, 1990	U093	Soil-and-debris	May 8, 1992
U074	Soil-and-debris	May 8, 1992	U093	All-ethers	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U074	All-ethers	Aug. 8, 1990
U075	All	Aug. 8, 1990
U076	All	Aug. 8, 1990
U077	All	Aug. 8, 1990
U078	All	Aug. 8, 1990
U079	All	Aug. 8, 1990
U080	All	Aug. 8, 1990
U081	All	Aug. 8, 1990
U082	All	Aug. 8, 1990
U083	All	Aug. 8, 1990
U084	All	Aug. 8, 1990
U085	All	Aug. 8, 1990
U086	All	Aug. 8, 1990
U087	Soil-and-debris	June 8, 1991
U087	All-ethers	June 8, 1999
U088	Soil-and-debris	June 8, 1991
U088	All-ethers	June 8, 1999
U089	All	Aug. 8, 1990
U090	All	Aug. 8, 1990
U091	Soil-and-debris	May 8, 1992
U091	All-ethers	Aug. 8, 1990
U092	Soil-and-debris	May 8, 1992
U092	All-ethers	Aug. 8, 1990
U093	Soil-and-debris	May 8, 1992
U093	All-ethers	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U094	All	Aug. 8, 1990
U095	Soil and debris	May 8, 1992
U095	All others	Aug. 8, 1990
U096	All	Aug. 8, 1990
U097	Soil and debris	May 8, 1992
U097	All others	Aug. 8, 1990
U098	All	Aug. 8, 1990
U099	All	Aug. 8, 1990
U101	All	Aug. 8, 1990
U102	Soil and debris	June 8, 1991
U102	All others	June 8, 1989
U103	All	Aug. 8, 1990
U105	All	Aug. 8, 1990
U106	All	Aug. 8, 1990
U107	Soil and debris	June 8, 1991
U107	All others	June 8, 1989
U108	All	Aug. 8, 1990
U109	All	Aug. 8, 1990
U110	Soil and debris	May 8, 1992
U110	All others	Aug. 8, 1990
U111	All	Aug. 8, 1990
U112	All	Aug. 8, 1990
U113	All	Aug. 8, 1990
U114	Soil and debris	May 8, 1992
U114	All others	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U115	All	Aug. 8, 1990
U116	Soil and debris	May 8, 1992
U116	All others	Aug. 8, 1990
U117	All	Aug. 8, 1990
U118	All	Aug. 8, 1990
U119	Soil and debris	May 8, 1992
U119	All others	Aug. 8, 1990
U120	All	Aug. 8, 1990
U121	All	Aug. 8, 1990
U122	All	Aug. 8, 1990
U123	All	Aug. 8, 1990
U124	All	Aug. 8, 1990
U125	All	Aug. 8, 1990
U126	All	Aug. 8, 1990
U127	All	Aug. 8, 1990
U128	All	Aug. 8, 1990
U129	All	Aug. 8, 1990
U130	Soil and debris	May 8, 1992
U130	All others	Aug. 8, 1990
U131	All	Aug. 8, 1990
U132	Soil and debris	May 8, 1992
U132	All others	Aug. 8, 1990
U133	All	Aug. 8, 1990
U134	All	Aug. 8, 1990
U135	All	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U136	Wastewater	Aug. 8, 1990	U153	All-ethers	Aug. 8, 1990
U136	Nonwastewater	May 8, 1992	U154	All	Aug. 8, 1990
U137	All	Aug. 8, 1990	U155	All	Aug. 8, 1990
U138	All	Aug. 8, 1990	U156	Soil and debris	May 8, 1992
U140	All	Aug. 8, 1990	U156	All-ethers	Aug. 8, 1990
U141	All	Aug. 8, 1990	U157	All	Aug. 8, 1990
U142	All	Aug. 8, 1990	U158	All	Aug. 8, 1990
U143	Soil and debris	May 8, 1992	U159	All	Aug. 8, 1990
U143	All-ethers	Aug. 8, 1990	U160	All	Aug. 8, 1990
U144	All	Aug. 8, 1990	U161	All	Aug. 8, 1990
U145	All	Aug. 8, 1990	U162	All	Aug. 8, 1990
U146	All	Aug. 8, 1990	U163	Soil and debris	May 8, 1992
U147	All	Aug. 8, 1990	U163	All-ethers	Aug. 8, 1990
U148	Soil and debris	May 8, 1992	U164	Soil and debris	May 8, 1992
U148	All-ethers	Aug. 8, 1990	U164	All-ethers	Aug. 8, 1990
U149	Soil and debris	May 8, 1992	U165	All	Aug. 8, 1990
U149	All-ethers	Aug. 8, 1990	U166	All	Aug. 8, 1990
U150	Soil and debris	May 8, 1992	U167	Soil and debris	May 8, 1992
U150	All-ethers	Aug. 8, 1990	U167	All-ethers	Aug. 8, 1990
U151	High mercury nonwastewater	May 8, 1992	U168	Soil and debris	May 8, 1992
U151	Low mercury nonwastewater	May 8, 1992	U169	All-ethers	Aug. 8, 1990
U151	Soil and debris	May 8, 1992	U169	All	Aug. 8, 1990
U151	All-ethers	Aug. 8, 1990	U170	All	Aug. 8, 1990
U152	All	Aug. 8, 1990	U171	Soil and debris	May 8, 1992
U153	Soil and debris	May 8, 1992	U171	All-ethers	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U153	All-ethers	Aug. 8, 1990
U154	All	Aug. 8, 1990
U155	All	Aug. 8, 1990
U156	Soil and debris	May 8, 1992
U156	All-ethers	Aug. 8, 1990
U157	All	Aug. 8, 1990
U158	All	Aug. 8, 1990
U159	All	Aug. 8, 1990
U160	All	Aug. 8, 1990
U161	All	Aug. 8, 1990
U162	All	Aug. 8, 1990
U163	Soil and debris	May 8, 1992
U163	All-ethers	Aug. 8, 1990
U164	Soil and debris	May 8, 1992
U164	All-ethers	Aug. 8, 1990
U165	All	Aug. 8, 1990
U166	All	Aug. 8, 1990
U167	Soil and debris	May 8, 1992
U167	All-ethers	Aug. 8, 1990
U168	Soil and debris	May 8, 1992
U169	All-ethers	Aug. 8, 1990
U169	All	Aug. 8, 1990
U170	All	Aug. 8, 1990
U171	Soil and debris	May 8, 1992
U171	All-ethers	Aug. 8, 1990



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U172	All	Aug. 8, 1990	U191	All others	Aug. 8, 1990
U173	Soil and debris	May 8, 1992	U192	All	Aug. 8, 1990
U173	All others	Aug. 8, 1990	U193	Soil and debris	May 8, 1992
U174	All	Aug. 8, 1990	U193	All others	Aug. 8, 1990
U176	Soil and debris	May 8, 1992	U194	Soil and debris	May 8, 1992
U176	All others	Aug. 8, 1990	U194	All others	Aug. 8, 1990
U177	Soil and debris	May 8, 1992	U196	All	Aug. 8, 1990
U177	All others	Aug. 8, 1990	U197	All	Aug. 8, 1990
U178	Soil and debris	May 8, 1992	U200	Soil and debris	May 8, 1992
U178	All others	Aug. 8, 1990	U200	All others	Aug. 8, 1990
U179	All	Aug. 8, 1990	U201	All	Aug. 8, 1990
U180	All	Aug. 8, 1990	U202	Soil and debris	May 8, 1992
U181	All	Aug. 8, 1990	U202	All others	Aug. 8, 1990
U182	All	Aug. 8, 1990	U203	All	Aug. 8, 1990
U183	All	Aug. 8, 1990	U204	All	Aug. 8, 1990
U184	Soil and debris	May 8, 1992	U205	All	Aug. 8, 1990
U184	All others	Aug. 8, 1990	U206	Soil and debris	May 8, 1992
U185	All	Aug. 8, 1990	U206	All others	Aug. 8, 1990
U186	All	Aug. 8, 1990	U207	All	Aug. 8, 1990
U187	All	Aug. 8, 1990	U208	All	Aug. 8, 1990
U188	All	Aug. 8, 1990	U209	All	Aug. 8, 1990
U189	All	Aug. 8, 1990	U210	All	Aug. 8, 1990
U190	Soil and debris	June 8, 1991	U211	All	Aug. 8, 1990
U190	All others	June 8, 1989	U213	All	Aug. 8, 1990
U191	Soil and debris	May 8, 1992	U214	All	Aug. 8, 1990

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U215	All	Aug. 8, 1990
U216	All	Aug. 8, 1990
U217	All	Aug. 8, 1990
U218	Soil and debris	May 8, 1992
U219	All-ethers	Aug. 8, 1990
U219	Soil and debris	May 8, 1992
U219	All-ethers	Aug. 8, 1990
U220	All	Aug. 8, 1990
U221	Soil and debris	June 8, 1992
U222	All-ethers	June 8, 1992
U222	Soil and debris	May 8, 1992
U222	All-ethers	Aug. 8, 1990
U223	Soil and debris	June 8, 1992
U223	All-ethers	June 8, 1992
U225	All	Aug. 8, 1990
U226	All	Aug. 8, 1990
U227	All	Aug. 8, 1990
U228	All	Aug. 8, 1990
U229	Soil and debris	May 8, 1992
U229	All-ethers	Aug. 8, 1990
U230	Soil and debris	June 8, 1992
U230	All-ethers	June 8, 1992
U231	Soil and debris	June 8, 1992
U231	All-ethers	June 8, 1992
U232	Soil and debris	May 8, 1992
U232	All-ethers	Aug. 8, 1990
U237	Soil and debris	May 8, 1992

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

U237	All-ethers	Aug. 8, 1990
U238	Soil and debris	May 8, 1992
U238	All-ethers	Aug. 8, 1990
U239	All	Aug. 8, 1990
U240	Soil and debris	May 8, 1992
U240	All-ethers	Aug. 8, 1990
U243	All	Aug. 8, 1990
U244	Soil and debris	May 8, 1992
U244	All-ethers	Aug. 8, 1990
U246	All	Aug. 8, 1990
U247	All	Aug. 8, 1990
U248	All	Aug. 8, 1990
U249	All	Aug. 8, 1990
c	This table does not include mixed radioactive wastes (from the first, second, and third rules) which are receiving a national capacity variance until May 8, 1992 for all applicable treatment technologies.	
b	Standards are being promulgated for 1,1,2-trichloroethane and 2-nitropropane for wastewaters and nonwastewaters.	
e	Standards are being promulgated for benzene and 2-ethoxyethanol for wastewaters and nonwastewaters.	
d	Treatment standards for nonwastewaters disposed of after June 8, 1989, were promulgated June 8, 1989.	
e	Treatment standards for nonwastewaters disposed of after August 17, 1989, were promulgated May 2, 1989.	



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

F005  
F006  
F006

Waste code	Waste category	Effective date
California list	Liquid hazardous wastes, including free liquids associated with solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l or certain metals or compounds of these metals greater than or equal to the prohibition levels	July 8, 1987.
California list	Liquid (aqueous) hazardous wastes having a pH less than or equal to 2	July 8, 1987.
California list	Pilque HOC wastewaters, defined as HOC-waste mixtures that are primarily water and that contain greater than or equal to 1,000 mg/l but less than 10,000 mg/l	July 8, 1987.
California list	Liquid hazardous waste containing PCBs greater than or equal to 50 ppm	Nov. 8, 1988.
California list	Other liquid and nonliquid hazardous wastes containing HOCs in total concentration greater than or equal to 1,000 mg	Nov. 8, 1988.
0001	All	Aug. 8, 1990.
0002	All	Aug. 8, 1990.
0003	All	Aug. 8, 1990.
0004	Wastewater	Aug. 8, 1990.
0005	Nonwastewater	Aug. 8, 1990.
0006	All	May 8, 1992.
0007	All	Aug. 8, 1990.
0008	Lead materials before secondary smelting	May 8, 1992.
0009	All others	Aug. 8, 1990.
0010	Nonwastewater	May 8, 1992.
0011	All others	Aug. 8, 1990.
0012	All	Aug. 8, 1990.
0013	All	Aug. 8, 1990.
0014	All	Aug. 8, 1990.
0015	All	Aug. 8, 1990.
0016	All	Aug. 8, 1990.
0017	All	Nov. 8, 1988.
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.
F002 (1,1,2-trichloroethane)	Initial generator's solvent-water mixtures, solvent-containing sludges and solids	Aug. 8, 1990.
F002	Wastewater and Nonwastewater	Nov. 8, 1988.
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988.
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988.
F005 (benzene, 2-ethoxy ethanol, 2-nitropropane)	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

[illegible]

CO95	Wastewater	Aug. 8, 1990
CO95	Nonwastewater	June 8, 1989
CO96	Wastewater	Aug. 8, 1990
CO96	Nonwastewater	June 8, 1989
CO97	All	Aug. 8, 1990
CO98	All	Aug. 8, 1988
CO99	All	Aug. 8, 1990
CO100	Wastewater	Aug. 8, 1990
CO100	Nonwastewater	Aug. 8, 1988
CO101 (organics)	Wastewater	Aug. 8, 1990
CO101 (metals)	Wastewater	Aug. 8, 1988
CO101 (organics)	Nonwastewater	Aug. 8, 1990
CO101 (metals)	Nonwastewater	Aug. 8, 1988
CO102 (organics)	Wastewater	May 8, 1992
CO102 (metals)	Wastewater	Aug. 8, 1988
CO102 (organics)	Nonwastewater	Aug. 8, 1990
CO102 (metals)	Nonwastewater	May 8, 1992
K103	All	Aug. 8, 1990
K104	All	Aug. 8, 1990
K105	All	Aug. 8, 1990
K106	Wastewater	Aug. 8, 1988
K106	Nonwastewater	Aug. 8, 1990
K110	All	May 8, 1989
K111	All	June 8, 1989
K112	All	June 8, 1989
K112	All	Aug. 8, 1990
P001	All	Aug. 8, 1990
P002	All	Aug. 8, 1990
P003	All	Aug. 8, 1990
P004	All	Aug. 8, 1990
P005	All	Aug. 8, 1990
P006	All	Aug. 8, 1990
P007	All	Aug. 8, 1990
P008	All	Aug. 8, 1990
P009	All	Aug. 8, 1990
P010	Wastewater	Aug. 8, 1992
P010	Nonwastewater	Aug. 8, 1990
P011	Wastewater	May 8, 1992
P011	Nonwastewater	May 8, 1992
P012	Wastewater	Aug. 8, 1990
P012	Nonwastewater	May 8, 1992
P013 (barium)	Nonwastewater	Aug. 8, 1990
P013	All	June 8, 1989
P014	All	Aug. 8, 1990
P015	All	Aug. 8, 1990
P016	All	Aug. 8, 1990
P017	All	Aug. 8, 1990
P018	All	Aug. 8, 1990
P020	All	Aug. 8, 1990
P021	All	Aug. 8, 1989
P022	All	Aug. 8, 1990
P023	All	Aug. 8, 1990
P024	All	Aug. 8, 1990
P026	All	Aug. 8, 1990
P027	All	Aug. 8, 1990
P028	All	Aug. 8, 1990
P029	All	June 8, 1989
P030	All	Aug. 8, 1990
P031	All	Aug. 8, 1990
P033	All	Aug. 8, 1990
P034	All	Aug. 8, 1990
P036	Wastewater	Aug. 8, 1990
P036	Nonwastewater	May 8, 1992
P037	All	Aug. 8, 1990
P038	Wastewater	Aug. 8, 1990

AUG. 8, 1988.



# NOTICE OF ADOPTED AMENDMENTS

ALL	P1111	JUNE 8, 1990
ALL	P1112	AUG. 8, 1990
ALL	P1113	AUG. 8, 1990
ALL	P1114	AUG. 8, 1990
ALL	P1115	AUG. 8, 1990
ALL	P1116	AUG. 8, 1990
ALL	P1117	AUG. 8, 1990
ALL	P1118	AUG. 8, 1990
ALL	P1119	AUG. 8, 1990
ALL	P1120	AUG. 8, 1990
ALL	P1121	JUNE 8, 1989
ALL	P1122	AUG. 8, 1990
ALL	P1123	AUG. 8, 1990
ALL	P1124	AUG. 8, 1990
ALL	P1125	AUG. 8, 1990
ALL	P1126	AUG. 8, 1990
ALL	P1127	AUG. 8, 1990
ALL	P1128	AUG. 8, 1990
ALL	P1129	AUG. 8, 1990
ALL	P1130	AUG. 8, 1990
ALL	P1131	AUG. 8, 1990
ALL	P1132	AUG. 8, 1990
ALL	P1133	AUG. 8, 1990
ALL	P1134	AUG. 8, 1990
ALL	P1135	AUG. 8, 1990
ALL	P1136	AUG. 8, 1990
ALL	P1137	AUG. 8, 1990
ALL	P1138	AUG. 8, 1990
ALL	P1139	AUG. 8, 1990
ALL	P1140	AUG. 8, 1990
ALL	P1141	AUG. 8, 1990
ALL	P1142	AUG. 8, 1990
ALL	P1143	AUG. 8, 1990
ALL	P1144	AUG. 8, 1990
ALL	P1145	AUG. 8, 1990
ALL	P1146	AUG. 8, 1990
ALL	P1147	AUG. 8, 1990
ALL	P1148	AUG. 8, 1990
ALL	P1149	AUG. 8, 1990
ALL	P1150	AUG. 8, 1990
ALL	P1151	AUG. 8, 1990
ALL	P1152	AUG. 8, 1990
ALL	P1153	AUG. 8, 1990
ALL	P1154	AUG. 8, 1990
ALL	P1155	AUG. 8, 1990
ALL	P1156	AUG. 8, 1990

# NOTICE OF ADOPTED AMENDMENTS

[illegible]











POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l, or containing certain metals or compounds of these metals greater than or equal to the prohibition levels

California list

August 8, 1990

California list

August 8, 1990

California list

August 8, 1990

D002-b

May 8, 1992

D003 (cyanides)

May 8, 1992

D003 (sulfides)

May 8, 1992

D003 (explosives, reactives)

May 8, 1992

D007

May 8, 1992

D009

May 8, 1992

D009

May 8, 1992

F011

June 8, 1991

F039

May 8, 1992

K009

June 8, 1991

K011

June 8, 1991

K011

May 8, 1992

K013

June 8, 1991

K013

May 8, 1992

K014

May 8, 1992

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K016 (dilute)

K016 (dilute)

June 8, 1991

K048

August 8, 1990

K049

August 8, 1990

K050

August 8, 1990

K051

August 8, 1990

K052

August 8, 1990

K062

August 8, 1990

K071

August 8, 1990

K104

August 8, 1990

a

Wastes that are deep well disposed on site receive a six-month variance, with restrictions effective in November 1990.

b

Deepwell injected D002 liquids with a pH less than 2 must meet the California list treatment standards on August 8, 1990.

Waste code

Waste category

Effective date

F001-F005

All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents

Aug. 8, 1990.

California list

Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l, or containing certain metals or compounds of these metals greater than or equal to the prohibition

Aug. 8, 1990.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

California list  
California list

levels  
Liquid hazardous waste having a pH less than or equal to 2  
Hazardous wastes containing HOCs in total concentrations less than 10,000 mg/l but greater than or equal to 1,000 mg/l

D002 B  
D003 (cyanides)  
D003 (sulfides)  
D003  
(explosives, reactives).

D007  
D009  
F007

Wastewater  
Wastewater

Nonwastewater

Wastewater  
Nonwastewater

Wastewater  
All  
All  
K016 (dilute)

K042

K050

K051

K052

K062

K071

K104

May 8, 1992.  
May 8, 1992.  
May 8, 1992.  
May 8, 1992.

May 8, 1992.  
May 8, 1992.  
June 8.  
1991.

May 8, 1992.  
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May 8, 1992.  
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May 8, 1992.  
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Aug. 8.  
1990.

A Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

B Deep well injected D002 liquids with a pH less than 2 must meet the California list treatment standards on August 8, 1990.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728. Appendix I EP Toxicity Test Method and Structural Integrity Test

The Board incorporates by reference 40 CFR 268, Appendix IX, adopted at 56 Fed. Reg. 3876, January 31, 1991. This Section incorporates no future amendments or editions.

(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)

Section 728. Table A Constituent Concentrations in Waste Extract (CCWE)

Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	D, F and K Listed Wastes	Concentration (mg/L) Waste Waters	Concentration (mg/L) Nonwaste Waters
D004	Table B	Arsenic	7440-38-2	NA	NA	5.0 MA
D005	Table B	Barium	7440-39-3	NA	NA	100.
D006	Table B	Cadmium	7440-43-9	NA	NA	1.0
D007	Table B	Chromium (Total)	7440-47-32	NA	NA	5.0
D008	Table B	Lead	7439-92-1	NA	NA	5.0 A
D009	(Low Mercury Subcategory--less than 260 mg/kg Mercury) Tables B & Mercury D		7439-97-6	NA	NA	0.20
D010	Table B	Selenium	7782-49-2	NA	NA	5.7
D011	Table B	Silver	7440-22-4	NA	NA	5.0
F001-F005 spent solvents Tables B & Acetone D					0.2505	0.59
		n-Butyl alcohol	71-36-3		5.0	5.0
		Carbon disulfide	75-15-0		1.05	4.81
		Carbon tetrachloride	56-23-5		0.05	0.96
		Chlorobenzene	108-90-7		0.15	0.05
		Cresols (and cresylic acid)			2.82	0.75
		Cyclohexanone	108-94-1		0.125	0.75
		1,2-Dichlorobenzene	95-50-1		0.65	0.125



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Ethyl acetate	141-78-6	0.05	0.75	TDD-All Tetrachlorodibenzo-p-dioxins	95-95-4	<1. ppb
Ethyl benzene	100-41-4	0.05	0.053	TDDF-All Tetrachlorodibenzofurans	95-95-4	<1. ppb
Ethyl ether	60-29-7	0.05	0.75	2,4,5-Trichlorophenol	88-06-2	<1. ppb
Isobutanol	78-83-1	5.0	0.75	2,4,6-Trichlorophenol	58-90-2	<0.05 ppm
Methanol	67-56-1	0.25	0.75	2,3,4,6-Tetrachlorophenol	87-86-5	<0.05 ppm
Methylene chloride	75-9-2	0.20	0.996	Pentachlorophenol		< 0.0501
Methyl ethyl ketone	78-93-3	0.05	0.75	Chromium (Total)	7440-47-32	ppm
Methyl isobutyl ketone	108-10-1	0.05	0.33	Lead	7439-92-1	MA
Nitrobenzene	98-95-3	0.66	0.125	Nickel	7440-02-0	MA
Pyridine	110-86-1	1.12	0.33	Antimony	7440-36-0	MA
Tetrachloroethylene	127-18-4	0.079	0.05	Arsenic	7440-38-2	MA
Toluene	108-88-3	1.12	0.33	Barium	7440-39-3	MA
1,1,1-Trichloroethane	71-55-6	1.05	0.41	Cadmium	7440-43-9	MA
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	1.05	0.96	Chromium (Total)	7440-47-32	MA
Trichloroethylene	79-01-6	0.062	0.091	Lead	7439-92-1	MA
Trichlorofluoromethane	75-69-4	0.05	0.15	Mercury	7439-97-6	MA
Xylene				Nickel	7440-02-0	MA
				Selenium	7782-49-2	MA
				Silver	7440-22-4	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA
				Lead	7439-92-1	MA
				Chromium (Total)	7440-47-32	MA



# POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

K031	Table 8	Nickel	7440-02-3-0	NA
K046	Table 8	Arsenic	7440-38-2	NA
K048	Table 8	Lead	7439-92-1	NA
K049	Table 8	Chromium (Total) Nickel	7440-47-32 7440-02-3-0	NA NA
K050	Table 8	Chromium (Total) Nickel	7440-47-32 7440-02-3-0	NA NA
K051	Table 8	Chromium (Total) Nickel	7440-47-32 7440-02-3-0	NA NA
K052	Table 8	Chromium (Total) Nickel	7440-47-32 7440-02-3-0	NA NA
K061	Table 8	Cadmium Chromium (Total) Lead Nickel	7440-43-6 7440-47-32 7439-92-1 7440-02-3-0	NA NA NA NA

K061 (High Zinc Subcategory--greater than 15% Total Zinc--Electric Arc Furnace Dust)			
Table A	Antimony	7440-36-0	MA
	Arsenic	7440-38-2	MA
	Barium	7440-39-3	MA
	Beryllium	7440-41-7	MA
	Cadmium	7440-43-9	MA
	Chromium (Total)	7440-47-32	MA
	Lead	7439-92-1	MA
	Mercury	7439-97-6	MA
	Nickel	7440-02-0	MA
	Selenium	7782-49-2	MA
	Silver	7440-22-4	MA
	Thallium	7440-28-0	MA
	Vanadium	7440-62-2	MA
	Zinc	7440-65-6	MA
K062	Table B	Chromium (Total)	MA
	Lead	7439-92-1	MA
K069 (Calcium Sulfate Subcategory)			
	Table B & Cadmium	7440-43-9	MA
	Lead	7439-92-1	MA
K071 (Low Mercury Subcategory--less than 16 mg/kg Mercury)			
K071	Table B	Mercury	MA
	Table B	7439-97-6	MA
K083	Table B	Nickel	MA
K084	Table B	Arsenic	MA
K086	Table B	Chromium (Total)	MA
	Lead	7439-92-1	MA
K087	Table B	Lead	MA
K100	Table B	Cadmium	MA
	Chromium (Total)	7440-43-9	MA
		7440-47-32	MA

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	NA	0.51
Table B Arsenic	7440-38-2	NA	5.6 #A
Table B Arsenic	7440-38-2	NA	5.6 #A
K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) D Tables B & Mercury	7439-97-6	NA	0-200,020
K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC) D Tables B & Mercury	7439-97-6	NA	AO-200,025
K115 Table B Nickel	7440-02-30	NA	0.32

# These treatment standards have been based on EPA Leachate Analytic but this does not preclude the use of IALP Analytic.

2-These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA-Not Applicable.

1

Waste Code	See Also	Commercial Chemical Name	Regulated Hazardous Constituent	P and U Listed Wastes	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
P010	Table B	Arsenic acid	Arsenic	7440-38-2	NA	5.6 Δ
P011	Table B	Arsenic pentoxide	Arsenic	7440-38-2	NA	5.6 Δ
P012	Table B	Arsenic trioxide	Arsenic	7440-38-2	NA	5.6 Δ
P013	Table B	Barium cyanide	Barium	7440-39-3	NA	52.
P036	Table B	Dichlorophenylarsine	Arsenic	7440-38-2	NA	5.6 Δ
P038	Table B	Diethylarsine	Arsenic	7440-38-2	NA5	5.6 Δ
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury; Tables B & D)		Mercury fulminate	Mercury	7439-97-6	NA	0.20
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury--Incinerator residues (and are not residues from RNERC))		Mercury fulminate	Mercury	7439-97-6	NA	0.025
P073	Table B	Nickel carbonyl	Nickel	7440-02-3-0	NA	0.32
P074	Table B	Nickel cyanide	Nickel	7440-02-3-0	NA	0.32
P092 (Low Mercury Subcategory -- less than 260 mg/kg Mercury residues from RNERC)		Tables B & Phenyl mercury acetate	Mercury	7439-97-6	NA	0.20
P092 (Low Mercury Subcategory--less than 260 mg/kg Mercury--Incinerator residues (and are not residues from RNERC))		Tables B & Phenyl mercury acetate	Mercury	7439-97-6	NA	0.025



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

P099	Table B	Potassium silver cyanide	7440-22-4	MA	0.072
P103	Table B	Selenourea	7782-49-2	MA	5.7
P104	Table B	Silver cyanide	7440-22-4	MA	0.072
P110	Table B	Tetraethyl lead	7439-92-1	MA	0.51
P114	Table B	Thallium selenite	7782-49-2	MA	5.7
U032	Table B	Calcium chromate	7440-47-32	MA	0.094
U051	Table B	Creosote	7439-92-1	MA	0.51
U136	Table B	Cacodylic acid	7440-38-2	MA	5.6
U144	Table B	Lead acetate	7439-92-1	MA	0.51
U145	Table B	Lead phosphate	7439-92-1	MA	0.51
U146	Table B	Lead subacetate	7439-92-1	MA	0.51
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RHRC) Tables B & Mercury D	Mercury	7439-97-6	MA	0.20
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RHRC) Tables B & Mercury D	Mercury	7439-97-6	MA	0.025
U204	Table B	Selenium dioxide	7782-49-2	MA	5.7
U205	Table B	Selenium sulfide	7782-49-2	MA	5.7
#A--	These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.				
sg--	These waste codes are not subcategorized into wastewaters and nonwastewaters.				
MA--	Not Applicable.				

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 728. Table B Constituent Concentrations in Waste (CCW)

D, F and K Listed Wastes							
Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters	
D003 (Reactive cyanides subcategory--based on Cyanides--(Amenable) Cyanides (Total) MA			57-12-5	Res. 0.86	721.123(a)(5)	# 590.5	30.
			57-12-5				
D004	Table A	Arsenic	7440-38-2	5.0	MA		
D005	Table A	Barium	7440-39-3	100.	MA		
D006	Table A	Cadmium	7440-43-9	1.0	MA		
D007	Table A	Chromium (Total)	7440-47-32	5.0	MA		
D008	Table A	Lead	7439-92-1	5.0	MA		
D009	Table A	Mercury	7439-97-6	0.20	MA		
D010	Table A	Selenium	7782-49-2	1.0	MA		
D011	Table A	Silver	7440-22-4	5.0	MA		
D012	Table D	Endrin	720-20-8	MA	0.13 A		
D013	Table D	Lindane	58-89-9	MA	0.066 A		
D014	Table D	Methoxychlor	72-43-5	MA	0.18 A		
D015	Table D	Toxaphene	8001-35-1	MA	1.3 A		
D016	Table D	2,4-D	94-75-7	MA	10.0 A		
D017	Table D	2,4,5-TP (Silvex)	93-76-5	MA	7.9 A		
F001-F005 spent solvents Tables A & 1,1,2-Trichloroethane D			71-55-6	0.030	7.6 A		
		Benzene	71-43-2	0.070	3.7 A		
F001-F005 spent solvents (Pharmaceutical industry wastewater subcategory) Methylene chloride			75-09-2	0.44	MA		
F006	Table A	Cyanides (Total)	57-12-5	1.2	590.		
		Cyanides (Amenable)	57-12-5	0.86	30.		
		Cadmium	7440-43-9	1.6	MA		
		Chromium	7440-47-32	0.32	MA		
		Lead	7439-92-1	0.040	MA		
		Nickel	7440-02-2-0	0.44	MA		
F007	Table A	Cyanides (Total)	57-12-5	1.9	590.		
		Cyanides (Amenable)	57-12-5	0.1	30.		
		Chromium (Total)	7440-47-32	0.32	MA		
		Lead	7439-92-1	0.04	MA		
		Nickel	7440-02-2-0	0.44	MA		
F008	Table A	Cyanides (Total)	57-12-5	1.9	590.		
		Cyanides (Amenable)	57-12-5	0.13	30.		



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F009	Table A	Chromium	7440-47-32	0.32	NA	MA	208-96-8	0.059 B	3.4 A
		Lead	7439-92-1	0.04	NA	NA	63-52-9	0.059 B	4.0 A
		Nickel	7440-02-2-0	0.44	NA	NA	75-05-8	0.17 B	MA
		Cyanides (Total)	57-12-5	1.96	590.	590.	96-86-2	0.010 B	9.7 A
		Cyanides (Amenable)	57-12-5	0.1	30.	30.	53-96-3	0.059 B	140. A
F010	MA	Chromium	7440-47-32	0.32	NA	MA	107-02-8	0.29 B	MA
		Lead	7439-92-1	0.04	NA	NA	107-13-1	0.24 B	84. A
		Nickel	7440-02-2-0	0.44	NA	NA	309-00-2	0.021 B	0.068 A
		Cyanides (Total)	57-12-5	1.9	1.5	1.5	92-67-1	0.13 B	MA
		Cyanides (Amenable)	57-12-5	0.1	NA	NA	62-53-3	0.81 B	14. A
F011	Table A	Chromium	7440-47-32	0.32	NA	MA	120-12-7	0.059 B	4.0 A
		Lead	7439-92-1	0.04	NA	NA	140-57-8	0.36 B	MA
		Nickel	7440-02-2-0	0.44	NA	NA	12674-11-2	0.013 B	0.92 A
		Cyanides (Total)	57-12-5	1.9	110.	110.	11104-28-2	0.014 B	0.92 A
		Cyanides (Amenable)	57-12-5	0.1	9.1	9.1	11141-16-5	0.013 B	0.92 A
F012	Table A	Chromium	7440-47-32	0.32	NA	MA	53469-21-9	0.017 B	0.92 A
		Lead	7439-92-1	0.04	NA	NA	12672-29-6	0.013 B	0.92 A
		Nickel	7440-02-2-0	0.44	NA	NA	11097-69-1	0.014 B	1.8 A
		Cyanides (Total)	57-12-5	1.9	110.	110.	11096-82-5	0.014 B	1.8 A
		Cyanides (Amenable)	57-12-5	0.1	9.1	9.1	319-84-6	0.00014 B	0.066 A
F019	Table A	Chromium	7440-47-32	0.32	NA	MA	319-85-7	0.00014 B	0.066 A
		Lead	7439-92-1	0.04	NA	NA	58-89-9	0.0017 B	0.066 A
		Nickel	7440-02-2-0	0.44	NA	NA	71-43-2	0.14 B	36. A
		Cyanides (Total)	57-12-5	1.2	590. C	590. C	56-55-3	0.059 B	8.2 A
		Cyanides (Amenable)	57-12-5	0.86	30. C	30. C	205-99-2	0.055 B	3.4 A
F024	(Note: F024 organic standards must be treated via incineration (INCIM)) Tables A & 2-Chloro-1,3-butadiene	Chromium	7440-47-32	0.32	NA	MA	207-08-9	0.059 B	3.4 A
		Lead	7439-92-1	0.04	NA	NA	191-24-2	0.0055 B	1.5 A
		Nickel	7440-02-2-0	0.44	NA	NA	50-32-8	0.061 B	8.2 A
		Cyanides (Total)	57-12-5	1.2	0.28 A	0.28 A	75-27-4	0.35 B	15. A
		Cyanides (Amenable)	57-12-5	0.86	0.28 A	0.28 A	75-25-2	0.63 B	15. A
F025 (Light ends subcategory)	Chloroform	Chloroform	67-66-3	0.046 B	6.2 A	6.2 A	75-43-9	0.11 B	15. A
		1,2-Dichloroethane	107-06-2	0.21 B	6.2 A	6.2 A	101-55-3	0.055 B	15. A
		1,1,2-Trichloroethane	75-35-4	0.025 B	6.2 A	6.2 A	75-27-4	0.35 B	15. A
		Methylene chloride	75-92-2	0.089 B	31. A	31. A	75-27-4	0.35 B	15. A
		Carbon tetrachloride	56-23-5	0.057 B	6.2 A	6.2 A	75-27-4	0.35 B	15. A
F025 (Spent filters & or acids and desiccants subcategory)	Chloroform	Chloroform	67-66-3	0.046 B	6.2 A	6.2 A	75-43-9	0.11 B	15. A
		1,2-Dichloroethane	107-06-2	0.21 B	6.2 A	6.2 A	101-55-3	0.055 B	15. A
		1,1,2-Trichloroethane	75-35-4	0.025 B	6.2 A	6.2 A	75-27-4	0.35 B	15. A
		Methylene chloride	75-92-2	0.089 B	31. A	31. A	75-27-4	0.35 B	15. A
		Carbon tetrachloride	56-23-5	0.057 B	6.2 A	6.2 A	75-27-4	0.35 B	15. A

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F009	Table A	Acenaphthalene	208-96-8	0.059 B	MA	MA	208-96-8	0.059 B	3.4 A
		Acenaphthene	63-52-9	0.04	NA	NA	63-52-9	0.059 B	4.0 A
		Acetonitrile	75-05-8	0.17 B	MA	MA	75-05-8	0.17 B	MA
		Acetophenone	96-86-2	0.010 B	MA	MA	96-86-2	0.010 B	9.7 A
		2-Acetylaminofluorene	53-96-3	0.059 B	MA	MA	53-96-3	0.059 B	140. A
F010	MA	Acrolein	107-02-8	0.29 B	MA	MA	107-02-8	0.29 B	MA
		Acrylonitrile	107-13-1	0.24 B	MA	MA	107-13-1	0.24 B	MA
		Aldrin	309-00-2	0.021 B	MA	MA	309-00-2	0.021 B	MA
		4-Aminobiphenyl	92-67-1	0.13 B	MA	MA	92-67-1	0.13 B	MA
		Aniline	62-53-3	0.81 B	MA	MA	62-53-3	0.81 B	MA
F011	Table A	Anthracene	120-12-7	0.059 B	MA	MA	120-12-7	0.059 B	4.0 A
		Alamite	140-57-8	0.36 B	MA	MA	140-57-8	0.36 B	MA
		Aroclor 1016	12674-11-2	0.013 B	MA	MA	12674-11-2	0.013 B	0.92 A
		Aroclor 1221	11104-28-2	0.014 B	MA	MA	11104-28-2	0.014 B	0.92 A
		Aroclor 1232	11141-16-5	0.013 B	MA	MA	11141-16-5	0.013 B	0.92 A
F012	Table A	Aroclor 1242	53469-21-9	0.017 B	MA	MA	53469-21-9	0.017 B	0.92 A
		Aroclor 1248	12672-29-6	0.013 B	MA	MA	12672-29-6	0.013 B	0.92 A
		Aroclor 1254	11097-69-1	0.014 B	MA	MA	11097-69-1	0.014 B	1.8 A
		Aroclor 1260	11096-82-5	0.014 B	MA	MA	11096-82-5	0.014 B	1.8 A
		alpha-BHC	319-84-6	0.00014 B	MA	MA	319-84-6	0.00014 B	0.066 A
F019	Table A	beta-BHC	319-85-7	0.00014 B	MA	MA	319-85-7	0.00014 B	0.066 A
		delta-BHC	58-89-9	0.0017 B	MA	MA	58-89-9	0.0017 B	0.066 A
		gamma-BHC	71-43-2	0.14 B	MA	MA	71-43-2	0.14 B	36. A
		Benzene	56-55-3	0.059 B	MA	MA	56-55-3	0.059 B	8.2 A
		Benzo(a)anthracene	205-99-2	0.055 B	MA	MA	205-99-2	0.055 B	3.4 A
F024	(Note: F024 organic standards must be treated via incineration (INCIM)) Tables A & 2-Chloro-1,3-butadiene	Benzo(k)fluoranthene	207-08-9	0.059 B	MA	MA	207-08-9	0.059 B	3.4 A
		Benzo(g,h,i)perylene	191-24-2	0.0055 B	MA	MA	191-24-2	0.0055 B	1.5 A
		Benzo(a)pyrene	50-32-8	0.061 B	MA	MA	50-32-8	0.061 B	8.2 A
		Bromodichloromethane	75-27-4	0.35 B	MA	MA	75-27-4	0.35 B	15. A
		Bromoform (Trichloromethane)	75-25-2	0.63 B	MA	MA	75-25-2	0.63 B	15. A
F025 (Light ends subcategory)	Chloroform	Bromoform (Trichloromethane)	75-25-2	0.63 B	MA	MA	75-25-2	0.63 B	15. A
		4-Bromophenyl phenyl ether	101-55-3	0.055 B	MA	MA	101-55-3	0.055 B	15. A
		n-Butyl alcohol	71-36-3	5.6 B	MA	MA	71-36-3	5.6 B	2.6 A
		Butyl benzyl phthalate	85-68-7	0.017 B	MA	MA	85-68-7	0.017 B	7.9 A
		2-sec-Butyl-4,6-dinitrophenol	88-85-7	0.046 B	MA	MA	88-85-7	0.046 B	2.5 A
F025 (Spent filters & or acids and desiccants subcategory)	Chloroform	Carbon tetrachloride	56-23-5	0.057 B	MA	MA	56-23-5	0.057 B	5.6 A
		Carbon disulfide	75-15-0	0.014 B	MA	MA	75-15-0	0.014 B	MA
		Chloroform	67-66-3	0.046 B	MA	MA	67-66-3	0.046 B	5.6 A
		p-Chloroaniline	106-47-8	0.033 B	MA	MA	106-47-8	0.033 B	7.2 A
		Chlorobenzene	108-90-7	0.46 B	MA	MA	108-90-7	0.46 B	16. A



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Isodene(1,2,3-c,d)pyrene	193-39-5	0.0055 B	8.2 A
Isomethane	74-88-4	0.019 B	65. A
Isobutanol	78-83-1	5.6 B	170. A
Isodrin	465-73-6	0.021 B	0.066 A
Isosafrole	120-58-1	0.081 B	2.6 A
Kepone	143-50-8	0.0011 B	0.13 A
Methacrylonitrile	126-98-7	0.24 B	84. A
Methanol	67-56-1	5.6 B	NA
Methacrylonitrile	91-80-5	0.081 B	1.5 A
Methoxychlor	72-43-5	0.25 B	0.18 A
3-Methylcholanthrene	56-49-5	0.0055 B	15. A
4,4-Methylene-bis-(2-chloroaniline)	101-14-4	0.50 B	35. A
Methylene chloride	75-09-2	0.089 B	33. A
Methyl ethyl ketone	78-93-3	0.28 B	36. A
Methyl isobutyl ketone	108-10-1	0.14 B	33. A
Methyl methacrylate	80-62-6	0.14 B	160. A
Methyl methanesulfonate	66-27-3	0.018 B	NA
Methyl parathion	91-20-3	0.059 B	3.1 A
Naphthalene	91-59-8	0.52 B	NA
2-Naphthylmethylamine	100-01-6	0.028 B	28. A
Nitrobenzene	98-95-3	0.068 B	28. A
5-Nitro-o-toluidine	99-55-8	0.32 B	29. A
4-Nitrophenol	100-02-7	0.12 B	28. A
N-Nitrosodimethylamine	55-18-5	0.40 B	NA
N-Nitrosodimethylamine	62-75-9	0.40 B	17. A
N-Nitroso-di-n-butylamine	924-16-3	0.40 B	2.3 A
N-Nitrosomethylamine	105-95-6	0.40 B	35. A
N-Nitrosomorpholine	59-89-2	0.013 B	35. A
N-Nitrosopiperidine	100-75-4	0.013 B	35. A
N-Nitrosopyrrolidine	930-55-2	0.013 B	4.6 A
Parathion	56-38-2	0.055 B	37. A
Pentachlorobenzene	608-93-5	0.000063 B	0.001 A
Pentachlorodibenzo-furans	82-68-8	0.00063 B	4.8 A
Pentachlorodibenzodioxins	87-86-5	0.089 B	7.4 A
Pentachlorophenol	62-44-2	0.081 B	16. A
Phenacetin	85-01-8	0.059 B	3.1 A
Phenanthrene	108-95-2	0.039 B	6.2 A
Phorate	298-02-2	0.021 B	4.6 A
Phthalic anhydride	402-32-0	0.24 B	340. A
Pronamide	85-44-9	0.069 B	NA
Pyrene	23950-58-5	0.093 B	1.5 A
Pyridine	129-00-0	0.067 B	8.2 A
Safrole	110-88-1	0.014 B	16. A
Silvex (2,4,5-TP)	94-59-7	0.081 B	22. A
2,4,5-T	93-72-1	0.72 B	7.9 A
2,4,5-Tetrachlorobenzene	93-76-5	0.72 B	7.9 A
Tetrachlorodibenzofurans	95-94-3	0.055 B	19. A
Tetrachlorodibenzodioxins	23950-58-5	0.000063 B	0.001 A
2,3,7,8-Tetrachlorodibenzo-p-dioxin	630-20-6	0.000063 B	NA
1,1,1,2-Tetrachloroethane	79-34-6	0.057 B	42. A
1,1,2-Tetrachloroethane	127-18-4	0.056 B	42. A
1,1,2,2-Tetrachloroethane	58-90-2	0.030 B	5.6 A
2,3,4,6-Tetrachlorophenol	108-88-3	0.080 B	37. A
Toluene	8001-35-1	0.0095 B	28. A
Toxaphene	120-82-1	0.055 B	1.3 A
1,2,4-Trichlorobenzene	120-82-1	0.055 B	19. A
1,1,2-Trichloroethane	71-55-6	0.054 B	5.6 A
1,1,2-Trichloroethane	79-00-5	0.054 B	5.6 A
Trichloroethylene	79-01-6	0.054 B	5.6 A

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o,p'-DDD	53-19-0	0.023 B	0.087 A
p,p'-DDD	72-54-8	0.023 B	0.087 A
o,p'-DDE	3424-82-6	0.031 B	0.087 A
p,p'-DDE	72-55-9	0.031 B	0.087 A
o,p'-DDT	789-02-6	0.0039 B	0.087 A
p,p'-DDT	50-29-3	0.0039 B	0.087 A
p,p'-DDE	53-70-3	0.055 B	8.2 A
Dibenz(a,e)pyrene	192-65-4	0.061 B	NA
m-Dichlorobenzene	541-73-1	0.036 B	6.2 A
p-Dichlorobenzene	95-50-1	0.088 B	6.2 A
p-Dichlorobenzene	106-46-7	0.090 B	6.2 A
Dichlorodifluoromethane	75-71-8	0.23 B	7.2 A
1,1-Dichloroethane	75-34-3	0.059 B	7.2 A
1,2-Dichloroethane	107-06-2	0.21 B	7.2 A
trans-1,2-Dichloroethylene	75-35-4	0.025 B	33. A
trans-1,2-Dichloroethylene	120-83-2	0.054 B	33. A
2,4-Dichlorophenol	87-65-0	0.044 B	14. A
2,6-Dichlorophenol	78-87-5	0.044 B	14. A
1,2-Dichloropropane	78-87-5	0.85 B	18. A
cis-1,3-Dichloropropene	10061-01-5	0.036 B	18. A
trans-1,3-Dichloropropene	10061-02-6	0.036 B	18. A
Diethyl phthalate	84-66-2	0.017 B	0.13 A
p-Dimethylaminobenzenesulfonate	60-33-3	0.20 B	28. A
2,4-Dimethyl phenol	105-67-9	0.13 B	NA
Dimethyl phthalate	131-11-3	0.036 B	14. A
Di-n-butyl phthalate	84-74-2	0.057 B	28. A
1,4-Dinitrobenzene	100-25-4	0.28 B	28. A
4,6-Dinitro-o-cresol	534-52-1	0.32 B	2.3 A
2,4-Dinitrophenol	51-28-5	0.12 B	160. A
2,4-Dinitrotoluene	121-14-2	0.32 B	160. A
2,6-Dinitrotoluene	606-20-2	0.55 B	28. A
Di-n-octyl phthalate	117-84-0	0.017 B	28. A
Di-n-propylnitrosamine	621-64-7	0.40 B	14. A
Dibenzylamine	122-39-4	0.52 B	NA
1,2-Diphenyl hydrazine	122-66-7	0.087 B	NA
1,4-Dioxane	621-84-7	0.40 B	170. A
Disulfoton	723-91-1	0.12 B	6.2 A
Endosulfan I	298-04-4	0.017 B	0.066 A
Endosulfan II	939-98-8	0.023 B	0.13 A
Endosulfan sulfate	33213-6-5	0.029 B	0.13 A
Endrin	1031-07-8	0.029 B	0.13 A
Endrin aldehyde	72-20-8	0.0028 B	0.13 A
Ethyl acetate	7421-93-4	0.025 B	0.13 A
Ethyl cyanide	141-78-6	0.34 B	33. A
Ethyl benzene	107-12-0	0.24 B	360. A
Ethyl ether	100-41-4	0.057 B	6.0 A
bis(2-Ethylhexyl) phthalate	60-29-7	0.12 B	160. A
Ethylene oxide	117-81-7	0.24 B	28. A
Famphur	97-63-2	0.18 B	160. A
Fluoranthene	75-21-8	0.12 B	NA
Fluorene	52-85-7	0.017 B	15. A
Fluoranthene	206-44-0	0.068 B	8.2 A
Fluoranthene	86-73-7	0.059 B	4.0 A
Fluoranthene	75-69-4	0.020 B	33. A
Heptachlor epoxide	76-44-8	0.0012 B	0.066 A
Hexachlorobenzene	1024-57-3	0.016 B	0.066 A
Hexachlorobutadiene	118-74-1	0.055 B	37. A
Hexachlorocyclopentadiene	87-68-3	0.055 B	28. A
Hexachlorodibenzofurans	77-47-4	0.057 B	3.6 A
Hexachlorodibenzodioxins	67-72-1	0.000063 B	0.001 A
Hexachloroethane	1888-71-7	0.055 B	0.001 A
Hexachloropropene		0.035 B	28. A



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K001	Table A	95-95-4	•	0.18 B	•	37. A	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		2,4,6-Trichlorophenol	•	0.035 B	•	37. A	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		85-06-2	•	0.057 B	•	28. A	MA	Acrylamide	79-06-1	19.	•	23. A
		96-18-4	•	0.057 B	•	28. A	MA	Benzene	71-43-2	0.02	•	0.03 A
		1,1,2-Trichloro-1,2,2-trifluoroethane	•	0.11 B	MA	MA	MA	Cyanide (Total)	57-12-5	21.	•	57.
		126-72-7	•	0.32 B	•	33. A	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		75-01-4	•	0.32 B	•	28. A	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		57-12-5	•	1.2 B	MA	1.8 A	MA	Acrylamide	79-06-1	19.	•	23. A
		57-12-5	•	0.057 B	•	28. A	MA	Benzene	71-43-2	0.02	•	0.03 A
		16964-46-8	•	0.057 B	•	28. A	MA	Cyanide (Total)	57-12-5	21.	•	57.
K013		8496-25-8	•	35. B	MA	MA	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		7440-36-0	•	14. B	MA	MA	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		7440-38-2	•	1.9 B	MA	MA	MA	Acrylamide	79-06-1	19.	•	23. A
		7440-39-3	•	1.4 B	MA	MA	MA	Benzene	71-43-2	0.02	•	0.03 A
		7440-41-7	•	0.82 B	MA	MA	MA	Cyanide (Total)	57-12-5	21.	•	57.
		7440-43-9	•	0.20 B	MA	MA	MA	Anthracene	120-12-7	1.0	•	3.4 A
		7440-47-32	•	0.37 B	MA	MA	MA	Benzal chloride	98-87-3	0.28	•	6.2 A
		7440-50-8	•	1.3 B	MA	MA	MA	Sum of Benzol(b)fluoranthene and Benzo(k)fluoranthene	205-99-2	0.03629	•	3.4 A
		7439-92-1	•	0.28 B	MA	MA	MA	Phenanthrene	207-08-9	0.27	•	3.4 A
		7439-97-6	•	0.15 B	MA	MA	MA	Toluene	85-01-8	0.15	•	6.0 A
K014		7440-02-2	•	0.55 B	MA	MA	MA	Chromium (Total)	108-88-3	0.32	MA	MA
		7782-49-2	•	0.82 B	MA	MA	MA	Nickel	7440-47-32	0.44	MA	MA
		7440-22-4	•	0.29 B	MA	MA	MA	Hexachlorobenzene	118-76-1	0.033 A	•	28. A
		7440-28-0	•	1.4 B	MA	MA	MA	Hexachlorobutadiene	87-68-3	0.007 A	•	5.6 A
		7440-62-2	•	0.042 B	MA	MA	MA	Hexachlorocyclopentadiene	77-47-4	0.007 A	•	3.4 A
		7440-66-6	•	1.0 B	MA	MA	MA	Hexachloroethane	67-72-1	0.033 A	•	28. A
		91-20-3	•	0.031 A	•	1.5 A	MA	Tetrachloroethane	127-18-4	0.007 A	•	6.0 A
		87-88-5	•	0.031 A	•	1.5 A	MA	1,2-Dichloropropane	78-87-5	0.85 AB	•	28.18. A
		85-01-8	•	0.031 A	•	1.5 A	MA	1,2,3-Trichloropropane	96-18-4	0.85 AB	•	28. A
		129-00-0	•	0.028 A	•	28. A	MA	816(2-chloroethyl) ether	111-44-4	0.033 AB	•	7.2 A
K016		406108-88-3	•	0.032 A	•	33. A	MA	Chloroethane	75-00-3	0.007 A	•	6.0 A
		7439-92-1	•	0.037	MA	MA	MA	Chloromethane	74-87-3	0.007 A	•	MA
		7440-47-32	•	20.9 B	MA	MA	MA	1,1-Dichloroethane	74-34-3	0.007 A	•	6.0 A
		7439-92-1	•	3.4 B	MA	MA	MA	1,2-Dichloroethane	107-06-2	0.007 A	•	6.0 A
		7440-47-32	•	20.9 B	MA	MA	MA	Hexachlorobenzene	118-76-1	0.033 A	•	28. A
		7439-92-1	•	3.4 B	MA	MA	MA	Hexachlorobutadiene	87-68-3	0.033 A	•	28. A
		7440-47-32	•	20.9 B	MA	MA	MA	Hexachlorocyclopentadiene	67-72-1	0.033 A	•	28. A
		7439-92-1	•	3.4 B	MA	MA	MA	Hexachloroethane	76-01-7	0.007 A	•	5.6 A
		7440-47-32	•	20.9 B	MA	MA	MA	1,1,1-Trichloroethane	71-55-6	0.007 A	•	6.0 A
		7439-92-1	•	3.4 B	MA	MA	MA	816(2-chloroethyl) ether	111-44-4	0.007 A	•	5.6 A
K017		7440-47-32	•	20.9 B	MA	MA	MA	Chlorobenzene	108-90-7	0.006 A	•	6.0 A
		7439-92-1	•	3.4 B	MA	MA	MA	Chloroform	67-66-3	0.006 A	•	6.0 A
		57-12-5	•	0.74 B	MA	MA	MA	p-Dichlorobenzene	106-46-7	0.008 A	•	MA
		7440-47-32	•	20.9 B	MA	MA	MA	1,2-Dichloroethane	107-06-2	0.008 A	•	MA
		7439-92-1	•	3.4 B	MA	MA	MA	Fluorene	86-73-7	0.008 A	•	MA
		7440-47-32	•	20.9 B	MA	MA	MA	Hexachloroethane	67-72-1	0.007 A	•	MA
		7439-92-1	•	3.4 B	MA	MA	MA	Naphthalene	91-20-3	0.007 A	•	28. A
		7440-47-32	•	20.9 B	MA	MA	MA	Phenanthrene	85-01-8	0.007 A	•	5.6 A
		7439-92-1	•	3.4 B	MA	MA	MA	1,2,4,5-Tetrachlorobenzene	95-94-3	0.017 A	•	MA
		57-12-5	•	0.74 B	MA	MA	MA	Tetrachloroethane	127-18-4	0.007 A	•	6.0 A
K018		7440-47-32	•	20.9 B	MA	MA	MA	1,2,4-Trichlorobenzene	120-82-1	0.023 A	•	19. A
		7439-92-1	•	3.4 B	MA	MA	MA	1,1,1-Trichloroethane	71-55-6	0.007 A	•	6.0 A
		91-20-3	•	0.1	•	6.0 A	MA	1,2-Dichloroethane	107-06-2	0.007 A	•	6.0 A
		67-66-3	•	0.1	•	6.0 A	MA	1,1,2,2-Tetrachloroethane	79-34-6	0.007 A	•	5.6 A
		67-66-3	•	0.1	•	6.0 A	MA	Tetrachloroethane	127-18-4	0.007 A	•	6.0 A
K019		95-95-4	•	0.18 B	•	37. A	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		2,4,6-Trichlorophenol	•	0.035 B	•	37. A	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		85-06-2	•	0.057 B	•	28. A	MA	Acrylamide	79-06-1	19.	•	23. A
		96-18-4	•	0.057 B	•	28. A	MA	Benzene	71-43-2	0.02	•	0.03 A
		1,1,2-Trichloro-1,2,2-trifluoroethane	•	0.11 B	MA	MA	MA	Cyanide (Total)	57-12-5	21.	•	57.
		126-72-7	•	0.32 B	•	33. A	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		75-01-4	•	0.32 B	•	28. A	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		57-12-5	•	1.2 B	MA	1.8 A	MA	Acrylamide	79-06-1	19.	•	23. A
		57-12-5	•	0.057 B	•	28. A	MA	Benzene	71-43-2	0.02	•	0.03 A
		16964-46-8	•	0.057 B	•	28. A	MA	Cyanide (Total)	57-12-5	21.	•	57.
K020		8496-25-8	•	35. B	MA	MA	MA	Acetonitrile	75-05-8	38.	•	1.8 A
		7440-36-0	•	14. B	MA	MA	MA	Acrylonitrile	107-13-1	0.06	•	1.4 A
		7440-38-2	•	1.9 B	MA	MA	MA	Acrylamide	79-06-1	19.	•	23. A
		7440-39-3	•	1.4 B	MA	MA	MA	Benzene	71-43-2	0.02	•	0.03 A
		7440-41-7	•	0.82 B	MA	MA	MA	Cyanide (Total)	57-12-5	21.	•	57.
		7440-43-9	•	0.20 B	MA	MA	MA	Anthracene	120-12-7	1.0	•	3.4 A
		7440-47-32	•	0.37 B	MA	MA	MA	Benzal chloride	98-87-3	0.28	•	6.2 A
		7440-50-8	•	1.3 B	MA	MA	MA	Sum of Benzol(b)fluoranthene and Benzo(k)fluoranthene	205-99-2	0.03629	•	3.4 A
		7439-92-1	•	0.28 B	MA	MA	MA	Phenanthrene	207-08-9	0.27	•	3.4 A
		7439-97-6	•	0.15 B	MA	MA	MA	Toluene	85-01-8	0.15	•	6.0 A



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K021	Table A	Chloroform Carbon tetrachloride Antimony	67-66-3 58-23-5 58-23-5/40-36- Q	• • •	0.046 B 0.057 B 0.052, 50 B	• • •	6.2 A 6.2 A 6-20A A
K022	Table A	Toluene Acetophenone Diphenylamine Sum of Diphenylamine and Diphenyl- nitrosamine Phenol Chromium (Total) Nickel	108-88-3 96-86-2 22-39-4 86-30-6 108-95-2 7440-47-32 7440-02-40-0	• • • • • • •	0.0460080 B 0.010 0.52 B 0.40 B 0.039 0.35 0.47	• • • • • • •	0.034 A 19. A 13. A 12. A MA MA MA
K023	MA	Phthalic anhydride (measured as Phthalic acid)	85-44-9	•	0.54 A	•	28. A
K024	MA	Phthalic anhydride (measured as Phthalic acid)	85-44-9	•	0.54 A	•	28. A
K028	Table A	1,1-Dichloroethane trans-1,2-Dichloroethane Hexachlorobutadiene Hexachloroethane Pentachloroethane 1,1,1,2-Tetrachloroethane 1,1,2,2-Tetrachloroethane 1,1,1-Trichloroethane 1,1,2-Trichloroethane Tetrachloroethylene Cadmium Lead Nickel	75-34-3 87-68-3 67-72-1 76-01-7 630-20-6 79-34-6 71-55-6 79-00-5 127-18-4 7440-43-9 7440-47-32 7439-92-1 7440-02-32-0	• • • • • • • • • • • • • •	0.007 A 0.033 A 0.007 A 0.033 A 0.033 A 0.007 A 0.007 A 0.007 A 0.007 A 0.007 A 0.35 0.037 0.47	• • • • • • • • • • • • • •	6.0 A 6.0 A 5.6 A 28. A 5.6 A 5.6 A 5.6 A 6.0 A 6.0 A 6.0 A 6.0 A MA MA MA
K029	MA	Chloroform 1,2-Dichloroethane 1,1-Dichloroethylene 1,1,1-Trichloroethane Vinyl chloride	67-66-3 107-06-2 75-35-4 71-55-6 75-01-4	• • • • •	0.46 0.21 0.025 0.054 0.27	• • • • •	6.0 A 6.0 A 6.0 A 6.0 A 6.0 A
K030	MA	o-Dichlorobenzene p-Dichlorobenzene Hexachlorobutadiene Hexachloroethane Hexachloropropene Pentachlorobenzene Pentachloroethane 1,2,4,5-Tetrachlorobenzene Tetrachloroethene 1,2,4-Trichlorobenzene	95-50-1 106-46-7 87-68-3 67-72-1 1080-71-7 608-93-5 76-01-7 95-94-3 127-18-4 120-82-1	• • • • • • • • • •	0.008 A 0.004008 A 0.007 A 0.033 A MA MA MA MA MA MA	• • • • • • • • • •	5.6 A 28. A 19. A 28. A 5.6 A 5.6 A 14. A 6.0 A 19. A MA
K031	Table A	Arsenic	7440-38-2	•	0.79	•	24. A
K032	MA	Hexachlorocyclopentadiene Chlordane Heptachlor Heptachlor epoxide	77-47-4 57-74-9 76-44-8 1024-57-3	• • • •	0.057 B 0.0033 B 0.0012 B 0.016 B	• • • •	0.26 A 0.060 A 0.066 A MA
K033	MA	Hexachlorocyclopentadiene	77-47-4	•	0.057 B	•	2.4 A
K034	MA	Hexachlorocyclopentadiene	77-47-4	•	0.057 B	•	2.4 A
K035	MA	Acenaphthene	83-32-9	•	MA	•	3.4 A

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Anthracene	120-12-7	MA	•	3.4 A
Benz(a)anthracene	56-55-3	•	0.59 B	•
Benzo(a)pyrene	50-32-8	MA	•	3.4 A
Chrysene	218-01-9	•	0.059 B	•
Dibenz(a,h)anthracene	53-70-3	MA	•	3.4 A
Fluoranthene	206-44-0	•	0.068 B	•
Fluorene	86-73-7	MA	•	3.4 A
Indeno(1,2,3-cd)pyrene	193-39-5	MA	•	3.4 A
Cresols (m- and p- isomers)	•	•	0.77 B	MA
Naphthalene	91-20-3	•	0.059 B	•
o-Cresol	95-48-7	•	0.11 B	MA
Phenanthrene	85-01-8	•	0.059 B	•
Phenol	108-95-2	•	0.039 B	MA
Pyrene	129-00-0	•	0.067 B	•
Disulfoton	298-04-4	•	0.025 B	•
Disulfoton	298-04-4	•	0.025 B	•
Toluene	108-88-3	•	0.080 B	•
Phorate	298-02-2	•	0.025 B	•
Phorate	298-02-2	•	0.025 B	•
Toxaphene	8001-35-1	•	0.0095 B	•
1,2,4,5-Tetrachlorobenzene	95-94-3	•	0.055 B	•
o-Dichlorobenzene	95-50-1	•	0.088 B	•
p-Dichlorobenzene	106-46-7	•	0.090 B	•
Pentachlorobenzene	80608-93-5	•	0.055 B	•
1,2,4-Trichlorobenzene	120-82-1	•	0.055 B	•
2,4-Dichlorophenol	120-83-2	•	0.049 A	•
2,6-Dichlorophenol	87-65-0	•	0.013 A	•
2,4,5-Trichlorophenol	95-95-4	•	0.016 A	•
2,4,6-Trichlorophenol	88-06-2	•	0.039 A	•
Tetrachlorophenols (Total)	•	•	0.018 A	•
Pentachlorophenol	87-86-5	•	0.022 A	•
Tetrachloroethene	79-01-6	•	0.006 A	•
Hexachlorodibenzo-p-dioxins	•	•	0.001 A	•
Hexachlorodibenzo-furans	•	•	0.001 A	•
Pentachlorodibenzo-p-dioxins	•	•	0.001 A	•
Pentachlorodibenzo-furans	•	•	0.001 A	•
Tetrachlorodibenzo-p-dioxins	•	•	0.001 A	•
Tetrachlorodibenzo-furans	•	•	0.001 A	•
Lead	7439-92-1	MA	0.037	MA
Benzo(a)pyrene	71-43-2	•	0.011 A	•
Bis(2-ethylhexyl)phthalate	50-32-8	•	0.047 A	14. A
Chrysene	117-81-7	•	0.043 A	12. A
Di-n-butyl phthalate	218-01-9	•	0.043 A	•
Ethylbenzene	84-74-2	•	0.06 A	15. A
Fluorene	100-41-4	•	0.011 A	•
Naphthalene	86-73-7	•	0.005 A	14. A
Phenanthrene	91-20-3	•	0.033 A	MA
Phenol	108-95-2	•	0.039 A	•
Pyrene	129-00-0	•	0.047 A	42. A
Toluene	108-88-3	•	0.045 A	34. A
Xylenes(s)	•	•	0.011 A	•
Cyanides (Total)	57-12-5	•	0.011 A	36. A
Chromides (Total)	7440-47-32	•	0.028 A	14. A
Lead	7439-92-1	MA	0.2	22. A
		MA	0.037	1.8 A



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K049	Table A		
	Anthracene		120-12-7
	Benzenes		71-43-2
	Benz(a)pyrene		50-32-8
	Bis(2-ethylhexyl)phthalate		117-81-7
	Carbon disulfide		75-15-0
	Chrysene		218-01-9
	2,4-Dimethylphenol		105-67-9
	Ethylbenzene		100-41-4
	Naphthalene		91-20-3
	Phenanthrene		85-01-8
	Phenol		108-95-2
	Pyrene		129-00-0
	Toluene		108-88-3
	Xylene(s)		57-12-5
	Cyanides (Total)		7440-47-32
	Chromium (Total)		7439-92-1
	Lead		
K050	Table A		
	Benz(a)pyrene		50-32-8
	Phenol		108-95-2
	Cyanides (Total)		57-12-5
	Chromium (Total)		7440-47-32
	Lead		7439-92-1
K051	Table A		
	Acenaphthene		83-32-9
	Anthracene		120-12-7
	Benzenes		71-43-2
	Benz(a)anthracene		50-32-8
	Benz(a)pyrene		50-32-8
	Bis(2-ethylhexyl)phthalate		117-81-7
	Chrysene		75-15-0
	D1-n-butyl phthalate		218-01-9
	Ethylbenzene		105-67-9
	Fluorene		100-41-4
	Naphthalene		86-73-7
	Phenanthrene		91-20-3
	Phenol		108-95-2
	Pyrene		129-00-0
	Toluene		108-88-3
	Xylene(s)		57-12-5
	Cyanides (Total)		7440-47-32
	Chromium (Total)		7439-92-1
	Lead		
K052	Table A		
	Benzenes		71-43-2
	Benz(a)pyrene		50-32-8
	p-Cresol		95-48-7
	2,4-Dimethylphenol		106-44-5
	Ethylbenzene		105-67-9
	Naphthalene		100-41-4
	Phenanthrene		91-20-3
	Phenol		85-01-8
	Toluene		108-95-2
	Xylene(s)		108-88-3
	Cyanides (Total)		57-12-5
	Chromium (Total)		7440-47-32
	Lead		7439-92-1
K060	MA		
	Benzenes		71-43-2
	Benz(a)pyrene		50-32-8
	Naphthalene		91-20-3
	Phenol		108-95-2
	Cyanides (Total)		57-12-5

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K061	Tables A-B	Cadmium	7440-43-9	1.61	MA
		Chromium (Total)	7440-47-32	0.32	MA
		Lead	7439-92-1	0.51	MA
		Nickel	7440-02-3-0	0.44	MA
K062	Table A	Chromium (Total)	7440-47-32	0.32	MA
		Lead	7439-92-1	0.04	MA
		Nickel	7440-02-3-0	0.44	MA
K069	Tables A & B	Cadmium	7440-43-9	1.6	MA
		Lead	7439-92-1	0.51	MA
K071	Table A	Mercury	7439-97-6	0.030	MA
K073	MA	Carbon tetrachloride	58-23-5	0.057 B	6.2 A
		Chloroform	67-66-3	0.046 B	6.2 A
		Hexachloroethane	67-72-1	0.055 B	30. A
		Tetrachloroethene	127-18-4	0.056 B	6.2 A
		1,1,1-Trichloroethane	71-55-6	0.054 B	6.2 A
K083	Table A	Benzene	71-43-2	0.14 B	6.6 A
		Aniline	62-53-3	0.81	14. A
		Diphenylamine	22-39-4	0.52 B	MA
		Diphenylnitrosamine	86-30-6	0.40 B	MA
		Sum of Diphenylamine and Diphenylnitrosamine		MA	14. A
		Nitrobenzene	98-95-3	0.068 B	14. A
		Phenol	108-95-2	0.039	5.6 A
		Cyclohexanone	108-94-1	0.36	30.
		Nickel	7440-02-3-0	0.47	MA
K084	MA	Arsenic	7440-38-2	0.79	MA
K085	MA	Benzene	71-43-2	0.14 B	4.4 A
		Chlorobenzene	108-90-7	0.057 B	4.4 A
		o-Dichlorobenzene	95-50-1	0.088 B	4.4 A
		m-Dichlorobenzene	94-1-73-1	0.036 B	4.4 A
		p-Dichlorobenzene	106-46-7	0.090 B	4.4 A
		1,2,4-Trichlorobenzene	120-82-1	0.055 B	4.4 A
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055 B	4.4 A
		Pentachlorobenzene	608-93-5	0.055 B	4.4 A
		Hexachlorobenzene	118-74-1	0.055 B	4.4 A
		Aroclor 1016	12674-11-2	0.013 B	0.92 A
		Aroclor 1221	11104-28-2	0.014 B	0.92 A
		Aroclor 1232	11141-16-5	0.013 B	0.92 A
		Aroclor 1242	53469-21-9	0.017 B	0.92 A
		Aroclor 1248	12672-29-6	0.013 B	0.92 A
		Aroclor 1254	11097-69-1	0.014 B	1.8 A
		Aroclor 1260	11096-82-5	0.014 B	1.8 A
K086	Table A	Acetone	67-64-1	0.28	160. A
		Acetophenone	96-86-2	0.010	9.7 A
		Bis(2-ethylhexyl)phthalate	117-81-7	0.28 B	28. A
		n-Butyl alcohol	71-36-3	5.6	2.6 A
		Butylbenzylphthalate	85-68-7	0.017 B	7.9 A
		cyclohexanone	108-94-1	0.36	MA
		1,2-dichlorobenzene	95-50-1	0.088	6.02 A
		Diethyl phthalate	84-66-2	0.20 B	28. A
		Dimethyl phthalate	131-11-3	0.047 B	28. A
		Di-n-butyl phthalate	84-74-2	0.057 B	28. A
		Di-n-octyl phthalate	117-84-0	0.017 B	33. A
		Ethyl acetate	141-78-6	0.34 B	6.0 A
		Ethylbenzene	100-41-4	0.057 B	6.0 A



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K087	Table A	Chemical Name	Concentration (mg/L) Waste-water	Concentration (mg/L) Wastewater	Concentration (mg/L) Wastewater
K087	Table A	Methanol	67-56-1	5.6 B	MA
		Methyl isobutyl ketone	100-10-1	0.14	MA
		Methyl ethyl ketone	78-93-3	0.28	MA
		Methylene chloride	75-09-2	0.089 B	MA
		Naphthalene	91-20-3	0.059 B	MA
		Nitrobenzene	98-95-3	0.068 B	MA
		Toluene	108-88-3	0.080 B	MA
		1,1,1-Trichloroethane	71-55-6	0.054 B	MA
		Trichloroethylene	79-01-6	0.054 B	MA
		Xylenes (Total)	57-12-5	0.32 B	MA
K087	Table A	Cyanides (Total)	7440-47-32	1.9	MA
		Chromium (Total)	7439-92-1	0.037	MA
		Lead	7439-92-1	0.037	MA
		Acenaphthalene	208-96-8	0.028 A	MA
		Benzene	71-43-2	0.014 A	MA
		Chrysene	218-01-9	0.028 A	MA
		Fluoranthene	206-44-0	0.028 A	MA
		Indeno(1,2,3-cd)pyrene	193-39-5	0.028 A	MA
		Naphthalene	91-20-3	0.028 A	MA
		Phenanthrene	85-01-8	0.028 A	MA
K087	Table A	Toluene	108-88-3	0.028 A	MA
		Xylenes(s)	7439-92-1	0.014 A	MA
		Lead	7439-92-1	0.037	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethylene	79-01-6	0.054	MA
K087	Table A	Hexachloroethane	67-72-1	0.055	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethene (Trichloroethylene)	79-01-6	0.054	MA
		1,3-Dichlorobenzene	541-73-1	0.056	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,2,4-Trichlorobenzene	120-82-1	0.055	MA
K087	Table A	Hexachlorocyclopentadiene	77-47-4	0.057 B	MA
		Chlorobenzene	57-74-9	0.0033 B	MA
		Heptachlor	76-44-8	0.0012 B	MA
		Heptachlor epoxide	1024-57-3	0.016 B	MA
		Toxaphene	8001-35-1	0.0095 B	MA
		2,4-Dichlorophenoxyacetic acid	94-75-7	1.0 A	MA
		Hexachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Hexachlorodibenzo-furans	94-75-7	0.001 A	MA
		Pentachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Pentachlorodibenzo-furans	94-75-7	0.001 A	MA
K087	Table A	Tetrachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-furans	94-75-7	0.001 A	MA
		Cadmium	7440-43-9	1.6	MA
		Chromium (Total)	7440-47-32	0.32	MA
		Lead	7439-92-1	0.037	MA
		Acenaphthalene	208-96-8	0.028 A	MA
		Benzene	71-43-2	0.014 A	MA
		Chrysene	218-01-9	0.028 A	MA
		Fluoranthene	206-44-0	0.028 A	MA
		Indeno(1,2,3-cd)pyrene	193-39-5	0.028 A	MA
K087	Table A	Naphthalene	91-20-3	0.028 A	MA
		Phenanthrene	85-01-8	0.028 A	MA
		Toluene	108-88-3	0.028 A	MA
		Xylenes(s)	7439-92-1	0.014 A	MA
		Lead	7439-92-1	0.037	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
K087	Table A	1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethylene	79-01-6	0.054	MA
		Hexachloroethane	67-72-1	0.055	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethene (Trichloroethylene)	79-01-6	0.054	MA
		1,3-Dichlorobenzene	541-73-1	0.056	MA
K087	Table A	Pentachloroethane	76-01-7	0.055	MA
		1,2,4-Trichlorobenzene	120-82-1	0.055	MA
		Hexachlorocyclopentadiene	77-47-4	0.057 B	MA
		Chlorobenzene	57-74-9	0.0033 B	MA
		Heptachlor	76-44-8	0.0012 B	MA
		Heptachlor epoxide	1024-57-3	0.016 B	MA
		Toxaphene	8001-35-1	0.0095 B	MA
		2,4-Dichlorophenoxyacetic acid	94-75-7	1.0 A	MA
		Hexachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Hexachlorodibenzo-furans	94-75-7	0.001 A	MA
K087	Table A	Pentachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Pentachlorodibenzo-furans	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-furans	94-75-7	0.001 A	MA
		Cadmium	7440-43-9	1.6	MA
		Chromium (Total)	7440-47-32	0.32	MA
		Lead	7439-92-1	0.037	MA
		Acenaphthalene	208-96-8	0.028 A	MA
		Benzene	71-43-2	0.014 A	MA
		Chrysene	218-01-9	0.028 A	MA
K087	Table A	Fluoranthene	206-44-0	0.028 A	MA
		Indeno(1,2,3-cd)pyrene	193-39-5	0.028 A	MA
		Naphthalene	91-20-3	0.028 A	MA
		Phenanthrene	85-01-8	0.028 A	MA
		Toluene	108-88-3	0.028 A	MA
		Xylenes(s)	7439-92-1	0.014 A	MA
		Lead	7439-92-1	0.037	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		1,1,2-Tetrachloroethane	630-20-6	0.057	MA
K087	Table A	1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethylene	79-01-6	0.054	MA
		Hexachloroethane	67-72-1	0.055	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
K087	Table A	Trichloroethene (Trichloroethylene)	79-01-6	0.054	MA
		1,3-Dichlorobenzene	541-73-1	0.056	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,2,4-Trichlorobenzene	120-82-1	0.055	MA
		Hexachlorocyclopentadiene	77-47-4	0.057 B	MA
		Chlorobenzene	57-74-9	0.0033 B	MA
		Heptachlor	76-44-8	0.0012 B	MA
		Heptachlor epoxide	1024-57-3	0.016 B	MA
		Toxaphene	8001-35-1	0.0095 B	MA
		2,4-Dichlorophenoxyacetic acid	94-75-7	1.0 A	MA
K087	Table A	Hexachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Hexachlorodibenzo-furans	94-75-7	0.001 A	MA
		Pentachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Pentachlorodibenzo-furans	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-furans	94-75-7	0.001 A	MA
		Cadmium	7440-43-9	1.6	MA
		Chromium (Total)	7440-47-32	0.32	MA
		Lead	7439-92-1	0.037	MA
		Acenaphthalene	208-96-8	0.028 A	MA
K087	Table A	Benzene	71-43-2	0.014 A	MA
		Chrysene	218-01-9	0.028 A	MA
		Fluoranthene	206-44-0	0.028 A	MA
		Indeno(1,2,3-cd)pyrene	193-39-5	0.028 A	MA
		Naphthalene	91-20-3	0.028 A	MA
		Phenanthrene	85-01-8	0.028 A	MA
		Toluene	108-88-3	0.028 A	MA
		Xylenes(s)	7439-92-1	0.014 A	MA
		Lead	7439-92-1	0.037	MA
		Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
K087	Table A	Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 A	MA
		1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
		Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethylene	79-01-6	0.054	MA
		Hexachloroethane	67-72-1	0.055	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	MA
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	MA
K087	Table A	Trichloroethene	127-18-4	0.056	MA
		1,1,2-Trichloroethane	79-00-5	0.054	MA
		Trichloroethene (Trichloroethylene)	79-01-6	0.054	MA
		1,3-Dichlorobenzene	541-73-1	0.056	MA
		Pentachloroethane	76-01-7	0.055	MA
		1,2,4-Trichlorobenzene	120-82-1	0.055	MA
		Hexachlorocyclopentadiene	77-47-4	0.057 B	MA
		Chlorobenzene	57-74-9	0.0033 B	MA
		Heptachlor	76-44-8	0.0012 B	MA
		Heptachlor epoxide	1024-57-3	0.016 B	MA
K087	Table A	Toxaphene	8001-35-1	0.0095 B	MA
		2,4-Dichlorophenoxyacetic acid	94-75-7	1.0 A	MA
		Hexachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Hexachlorodibenzo-furans	94-75-7	0.001 A	MA
		Pentachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Pentachlorodibenzo-furans	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-p-dioxins	94-75-7	0.001 A	MA
		Tetrachlorodibenzo-furans	94-75-7	0.001 A	MA
		Cadmium	7440-43-9	1.6	MA
		Chromium (Total)	7440-47-32	0.32	MA

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P011	Arsenic pentoxide	Table A	7440-38-2	MA	0.79	MA	MA	MA	MA
P012	Arsenic trioxide	Table A	7440-38-2	MA	0.79	MA	MA	MA	MA
P013	Barium cyanide	Table A	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.1	110. 9.1	MA	MA	MA
P020	2,4,6-Trinitrophenol (Picric acid)	MA	88-85-7	MA	0.066	MA	MA	MA	MA
P021	Cadmium cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.1	110. 9.1	MA	MA	MA
P022	Carbon disulfide	Table B	75-15-0	MA	0.014	MA	MA	MA	MA
P024	p-Dichloroaniline	MA	106-47-8	MA	0.46	MA	MA	MA	MA
P029	Copper cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.1	110. 9.1	MA	MA	MA
P030	Cyanides (excluding salts and complexes)	MA	57-12-5	MA	1.9	110.	MA	MA	MA
P036	Dichlorophenyl-arsine	Table A	7440-38-2	MA	0.1	9.1	MA	MA	MA
P037	Dieldrin	MA	60-57-1	MA	0.017	MA	MA	MA	MA
P038	Diethylarsine	Table A	7440-38-2	MA	0.79	MA	MA	MA	MA
P039	Disulfur	MA	208-04-4	MA	0.017	MA	MA	MA	MA
P047	4,6-Dinitro-2-cresol	MA	534-52-4	MA	0.28	MA	MA	MA	MA
P048	2,4-Dinitrophenol	MA	51-28-5	MA	0.12	MA	MA	MA	MA
P050	Endosulfan	MA	939-90-8 33213-6-5 Endosulfan sulfate	MA	0.025 0.029 0.029	MA	MA	MA	MA
P051	Endrin	MA	72-20-8 Endrin aldehyde	MA	0.0028 0.025	MA	MA	MA	MA
P056	Fluoride	Table B	16694-48-8	MA	35	MA	MA	MA	MA
P059	Heptachlor	MA	76-44-8 Heptachlor epoxide	MA	0.0012 0.016	MA	MA	MA	MA
P060	Isodrin	MA	465-73-6	MA	0.021	MA	MA	MA	MA
P063	Hydrogen cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.1	110. 9.1	MA	MA	MA
P065	Mercury	Tables A & B	7439-97-6	MA	0.030	MA	MA	MA	MA
P071	Methyl parathion	MA	298-00-0	MA	0.025	MA	MA	MA	MA
P075	Methyl carbonyl	Table A	7440-02-0	MA	0.432	MA	MA	MA	MA

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P074	Nickel cyanide	Table A	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.10 0.44	MA	MA	MA	MA
P077	p-Nitroaniline	MA	100-01-6	MA	0.028	MA	MA	MA	MA
P082	N-Nitrosodimethylamine	Table B	62-75-9	MA	0.40	MA	MA	MA	MA
P089	Parathion	MA	56-38-2	MA	0.025	MA	MA	MA	MA
P092	Phenylmercury acetate	Tables A & B	7439-97-6	MA	0.030	MA	MA	MA	MA
P094	Phorate	MA	298-02-2	MA	0.025	MA	MA	MA	MA
P097	Famphur	MA	52-85-7	MA	0.025	MA	MA	MA	MA
P098	Potassium cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.10	MA	MA	MA	MA
P099	Potassium silver cyanide	Table A	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.1 0.29	MA	MA	MA	MA
P101	Ethyl cyanide (Propenenitrile)	MA	7440-22-4	MA	0.24	MA	MA	MA	MA
P103	Selenourea	Table A	7782-49-2	MA	1.0	MA	MA	MA	MA
P104	Silver cyanide	Table A	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.10 0.29	MA	MA	MA	MA
P106	Sodium cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.10	MA	MA	MA	MA
P110	Tetraethyl lead	Tables A & B	7439-92-1	MA	0.040	MA	MA	MA	MA
P113	Thallium oxide	Table B	7440-28-0	MA	0.14	MA	MA	MA	MA
P114	Thallium selenite	Table A	7782-49-2	MA	1.0	MA	MA	MA	MA
P115	Thallium (I) sulfate	Table B	7440-28-0	MA	0.14	MA	MA	MA	MA
P119	Ammonia vanadate	Table B	7440-62-2	MA	28	MA	MA	MA	MA
P120	Vanadium pentoxide	Table B	7440-62-2	MA	28	MA	MA	MA	MA
P121	Zinc cyanide	MA	57-12-5 Cyanides (Total) Cyanides (Amenable)	MA	1.9 0.10	MA	MA	MA	MA
P123	Toxaphene	MA	8001-35-1	MA	0.0095	MA	MA	MA	MA
U002	Acetone	MA	67-64-1	MA	0.28	MA	MA	MA	MA
U003	Acetonitrile	Table B	75-05-8	MA	0.17	MA	MA	MA	MA



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U004	Acetophenone	MA	98-86-2	±	0.010 A	±	9.7 A
U005	2-Acetylaminofluorene	MA	53-96-3	±	0.059 B	±	14.0 A
U009	Acrylonitrile	MA	107-13-1	±	0.24 A	±	84. A
U012	Aniline	MA	62-53-3	±	0.81	±	14. A
U018	Benz(a)-anthracene	MA	56-55-3	±	0.059 B	±	8.2 A
U019	Benzene	MA	71-43-2	±	0.14 B	±	36. A
U022	Benz(o)pyrene	MA	50-32-8	±	0.061 B	±	8.2 A
U024	Bis(2-chloroethoxy)methane	MA	111-91-1	±	0.036	±	7.2 A
U025	Bis(2-chloroethyl) ether	MA	111-44-4	±	0.033	±	7.2 A
U027	Bis(2-chloroisopropyl) ether	MA	39638-32-9	±	0.055 B	±	7.2 A
U028	Bis(2-ethylhexyl) phthalate	MA	117-81-7	±	0.54 A	±	28. A
U029	Bromomethane (Methyl bromide)	MA	74-83-9	±	0.11 A	±	15. A
U030	4-Bromophenyl phenyl ether	MA	101-55-3	±	0.055 A	±	15. A
U031	n-Butyl alcohol	MA	71-36-3	±	5.6	±	2.6 A
U032	Calcium chromate	Table A	7440-47-32	±	0.32	MA	
U036	Chlordane (alpha and gamma)	MA	57-74-9	±	0.00033 B	±	0.13 A
U037	Chlorobenzene	MA	108-90-7	±	0.057 B	±	5.7 A
U038	Chlorobenzilate	Table D	510-15-6	±	0.10 B	MA	
U039	p-Chloro-m-cresol	MA	59-50-7	±	0.018 B	±	14. A
U042	2-Chloroethyl vinyl	Table D	110-75-8	±	0.057	MA	
U043	Vinyl chloride	MA	75-01-4	±	0.27 B	±	33. A
U044	Chloroform	MA	67-66-3	±	0.046 B	±	5.6 A
U045	Chloromethane (Methyl chloride)	MA	74-87-3	±	0.19 B	±	33. A
U047	2-Chloronaphthalene	MA	91-58-7	±	0.055 B	±	5.6 A
U048	2-Chlorophenol	MA	95-57-8	±	0.044 B	±	5.7 A
U050	Chrysene	MA	218-01-9	±	0.059 B	±	8.2 A

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U051	Cresosote	Table A	91-20-3	±	0.031	±	1.5 A
			87-86-5	±	0.18	±	7.4 A
			Phenanthrene	±	0.031	±	1.3 A
			Pyrene	±	0.028	±	28. A
			Toluene	±	0.028	±	33. A
			Xylenes (Total)	±	0.032	±	33. A
			Lead	±	0.037	±	MA
U052	Cresols (Cresylic acid)	MA	7439-92-1	±	0.11 B	±	5.6 A
			95-48-7	±	0.77 B	±	3.2 A
			Cresols (m- and p- isomers)	±	0.36	MA	
U057	Cyclohexanone	Table D	108-94-1	±	0.023 B	±	0.087 A
U060	DDD	MA	53-19-0	±	0.023 B	±	0.087 A
			72-54-8	±	0.039 B	±	0.087 A
U061	DDT	MA	789-02-6	±	0.0039 B	±	0.087 A
			50-29-3	±	0.0039 B	±	0.087 A
			53-19-0	±	0.023 B	±	0.087 A
			72-54-8	±	0.023 B	±	0.087 A
			3424-82-6	±	0.031 B	±	0.087 A
			72-55-9	±	0.031 B	±	0.087 A
U063	Dibenz(o,h)-anthracene	MA	53-70-3	±	0.055 B	±	8.2 A
U066	1,2-Dibromo-3-chloropropane	MA	96-12-8	±	0.11 B	±	15. A
U067	1,2-Dibromomethane (Ethylene dibromide)	MA	106-93-4	±	0.028 B	±	15. A
U068	Dibromomethane	MA	74-95-3	±	0.11 B	±	15. A
U069	Di-n-butyl phthalate	MA	84-74-2	±	0.54 A	±	28. A
U070	o-Dichlorobenzene	MA	95-50-1	±	0.088 B	±	6.2 A
U071	m-Dichlorobenzene	MA	541-73-1	±	0.036	±	6.2 A
U072	p-Dichlorobenzene	MA	104-46-7	±	0.090 B	±	6.2 A
U075	Dichlorodifluoromethane	MA	75-71-8	±	0.23 B	±	7.2 A
U076	1,1-Dichloroethane	MA	75-34-3	±	0.059 B	±	7.2 A
U077	1,2-Dichloroethane	MA	107-06-2	±	0.21 B	±	7.2 A
U078	1,1-Dichloroethylene	MA	75-35-4	±	0.025 B	±	33. A
U079	trans-1,2-Dichloroethylene	MA	156-40-5	±	0.054 B	±	33. A



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U080	Methylene chloride	MA	Methylene chloride	75-08-2	0.089 $\frac{kg}{m^3}$	33. $\frac{MA}{m^3}$	U130	Hexachlorocyclopentadiene	MA	Hexachlorocyclopentadiene	MA	0.0017 $\frac{g}{m^3}$	0.04666 $\frac{MA}{m^3}$
U081	2,4-Dichlorophenol	MA	2,4-Dichlorophenol	120-83-2	0.044 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$	U131	Hexachloroethane	MA	Hexachloroethane	MA	0.057 $\frac{g}{m^3}$	3.6 $\frac{MA}{m^3}$
U082	2,6-Dichlorophenol	MA	2,6-Dichlorophenol	87-65-0	0.044 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$	U134	Hydrogen fluoride	Table D	Fluoride	MA	0.055 $\frac{g}{m^3}$	28. $\frac{MA}{m^3}$
U083	1,2-Dichloropropane	MA	1,2-Dichloropropane	78-87-5	0.85 $\frac{kg}{m^3}$	18. $\frac{MA}{m^3}$	U136	Cacodylic acid	Table A	Arsenic	MA	35. $\frac{MA}{m^3}$	MA
U084	1,3-Dichloropropene	MA	cis-1,3-Dichloropropene	10061-01-5	0.036 $\frac{kg}{m^3}$	18. $\frac{MA}{m^3}$	U137	Indeno(1,2,3-c,d)pyrene	MA	Indeno(1,2,3-c,d)pyrene	MA	0.0055 $\frac{kg}{m^3}$	8.2 $\frac{MA}{m^3}$
U088	Diethyl phthalate	MA	Diethyl phthalate	84-84-6	0.54 $\frac{kg}{m^3}$	28. $\frac{MA}{m^3}$	U138	Todamthane	MA	Todamthane	MA	0.19 $\frac{kg}{m^3}$	65. $\frac{MA}{m^3}$
U093	p-Dimethylaminoazobenzene	Table D	p-Dimethylaminoazobenzene	60-11-7	0.13 $\frac{kg}{m^3}$	MA	U140	Isobutyl alcohol	MA	Isobutyl alcohol	MA	5.6	170. $\frac{MA}{m^3}$
U101	2,4-Dimethylphenol	MA	2,4-Dimethylphenol	105-67-9	0.036 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$	U141	Isosafrole	MA	Isosafrole	MA	0.081	2.6 $\frac{MA}{m^3}$
U102	Dimethyl phthalate	MA	Dimethyl phthalate	131-11-3	0.54 $\frac{MA}{m^3}$	28. $\frac{MA}{m^3}$	U142	Kepone	MA	Kepone	MA	0.0011	0.13 $\frac{MA}{m^3}$
U105	2,4-Dinitrotoluene	MA	2,4-Dinitrotoluene	121-14-2	0.32 $\frac{kg}{m^3}$	140. $\frac{MA}{m^3}$	U144	Lead acetate	Table A	Lead	MA	0.040	MA
U106	2,6-Dinitrotoluene	MA	2,6-Dinitrotoluene	606-20-2	0.55 $\frac{kg}{m^3}$	28. $\frac{MA}{m^3}$	U145	Lead phosphate	Table A	Lead	MA	0.040	MA
U107	Di-n-octyl phthalate	MA	Di-n-octyl phthalate	117-84-0	0.54 $\frac{MA}{m^3}$	28. $\frac{MA}{m^3}$	U146	Lead subacetate	Table A	Lead	MA	0.040	MA
U108	1,4-Dioxane	MA	1,4-Dioxane	123-91-1	0.12 $\frac{kg}{m^3}$	170. $\frac{MA}{m^3}$	U151	Mercury	Tables A & D	Mercury	MA	0.030	MA
U111	Di-n-propylnitrosamine	MA	Di-n-propylnitrosamine	621-64-7	0.40 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$	U152	Methacrylonitrile	MA	Methacrylonitrile	MA	0.24 $\frac{kg}{m^3}$	84. $\frac{MA}{m^3}$
U112	Ethyl acetate	MA	Ethyl acetate	141-78-6	0.34 $\frac{kg}{m^3}$	33. $\frac{MA}{m^3}$	U154	Methanol	MA	Methanol	MA	5.6	MA
U117	Ethyl ether	MA	Ethyl ether	60-29-7	0.12 $\frac{kg}{m^3}$	160. $\frac{MA}{m^3}$	U155	Methacrylonitrile	MA	Methacrylonitrile	MA	0.081	1.5 $\frac{MA}{m^3}$
U118	Ethyl methacrylate	MA	Ethyl methacrylate	97-63-2	0.14 $\frac{kg}{m^3}$	160. $\frac{MA}{m^3}$	U157	3-Methylcholanthrene	MA	3-Methylcholanthrene	MA	0.0055 $\frac{g}{m^3}$	15. $\frac{MA}{m^3}$
U120	Fluoranthene	MA	Fluoranthene	206-44-0	0.068 $\frac{kg}{m^3}$	8.2 $\frac{MA}{m^3}$	U158	4,4'-Methylenebis(2-chloroaniline)	MA	Methylenebis(2-chloroaniline)	MA	0.50 $\frac{kg}{m^3}$	35. $\frac{MA}{m^3}$
U121	Trichloromethane	MA	Trichloromethane	75-69-4	0.020 $\frac{kg}{m^3}$	33. $\frac{MA}{m^3}$	U159	Methyl ethyl ketone	MA	Methyl ethyl ketone	MA	0.28	36. $\frac{MA}{m^3}$
U127	Hexachlorobenzene	MA	Hexachlorobenzene	118-74-1	0.055 $\frac{kg}{m^3}$	37. $\frac{MA}{m^3}$	U161	Methyl isobutyl ketone	MA	Methyl isobutyl ketone	MA	0.14	33. $\frac{MA}{m^3}$
U128	Hexachlorodibenzodiene	MA	Hexachlorodibenzodiene	87-63-3	0.055 $\frac{kg}{m^3}$	28. $\frac{MA}{m^3}$	U162	Methyl methacrylate	MA	Methyl methacrylate	MA	0.14	160. $\frac{MA}{m^3}$
U129	Lindane	MA	alpha-BHC beta-BHC delta-BHC	319-84-6 319-85-7 319-86-8	0.00014 $\frac{kg}{m^3}$ 0.00014 $\frac{g}{m^3}$ 0.023 $\frac{g}{m^3}$	0.04666 $\frac{MA}{m^3}$ 0.04666 $\frac{MA}{m^3}$ 0.04666 $\frac{MA}{m^3}$	U165	Naphthalene	MA	Naphthalene	MA	0.050 $\frac{kg}{m^3}$	3.1 $\frac{MA}{m^3}$
							U168	2-Naphthylamine	Table D	2-Naphthylamine	MA	0.50 $\frac{kg}{m^3}$	MA
							U169	Nitrobenzene	MA	Nitrobenzene	MA	0.068 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$
							U170	4-Nitrophenol	MA	4-Nitrophenol	MA	0.12 $\frac{kg}{m^3}$	29. $\frac{MA}{m^3}$
							U172	N-Nitrosodimethylamine	MA	N-Nitrosodimethylamine	MA	0.40 $\frac{kg}{m^3}$	17. $\frac{MA}{m^3}$

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U130	Hexachlorocyclopentadiene	MA	gamma-BHC (Lindane)	58-89-9	0.0017 $\frac{g}{m^3}$	0.04666 $\frac{MA}{m^3}$
U131	Hexachloroethane	MA	Hexachlorocyclopentadiene	77-47-7	0.057 $\frac{g}{m^3}$	3.6 $\frac{MA}{m^3}$
U134	Hydrogen fluoride	Table D	Hexachloroethane	67-72-1	0.055 $\frac{g}{m^3}$	28. $\frac{MA}{m^3}$
U136	Cacodylic acid	Table A	Fluoride	16964-48-8	35. $\frac{MA}{m^3}$	MA
U137	Indeno(1,2,3-c,d)pyrene	MA	Arsenic	7440-38-2	0.79 $\frac{MA}{m^3}$	MA
U138	Todamthane	MA	Indeno(1,2,3-c,d)pyrene	193-30-5	0.0055 $\frac{kg}{m^3}$	8.2 $\frac{MA}{m^3}$
U140	Isobutyl alcohol	MA	Todamthane	74-88-4	0.19 $\frac{kg}{m^3}$	65. $\frac{MA}{m^3}$
U141	Isosafrole	MA	Isobutyl alcohol	78-83-1	5.6	170. $\frac{MA}{m^3}$
U142	Kepone	MA	Isosafrole	120-58-1	0.081	2.6 $\frac{MA}{m^3}$
U144	Lead acetate	Table A	Kepone	143-50-8	0.0011	0.13 $\frac{MA}{m^3}$
U145	Lead phosphate	Table A	Lead	7439-92-1	0.040	MA
U146	Lead subacetate	Table A	Lead	7439-92-1	0.040	MA
U151	Mercury	Tables A & D	Lead	7439-92-1	0.040	MA
U152	Methacrylonitrile	MA	Mercury	7439-97-6	0.030	MA
U154	Methanol	MA	Methacrylonitrile	126-98-7	0.24 $\frac{kg}{m^3}$	84. $\frac{MA}{m^3}$
U155	Methacrylonitrile	MA	Methanol	67-56-1	5.6	MA
U157	3-Methylcholanthrene	MA	Methacrylonitrile	91-80-5	0.081	1.5 $\frac{MA}{m^3}$
U158	4,4'-Methylenebis(2-chloroaniline)	MA	3-Methylcholanthrene	56-49-5	0.0055 $\frac{g}{m^3}$	15. $\frac{MA}{m^3}$
U159	Methyl ethyl ketone	MA	Methylenebis(2-chloroaniline)	101-14-4	0.50 $\frac{kg}{m^3}$	35. $\frac{MA}{m^3}$
U161	Methyl isobutyl ketone	MA	Methyl ethyl ketone	78-93-3	0.28	36. $\frac{MA}{m^3}$
U162	Methyl methacrylate	MA	Methyl isobutyl ketone	108-10-1	0.14	33. $\frac{MA}{m^3}$
U165	Naphthalene	MA	Methyl methacrylate	80-62-6	0.14	160. $\frac{MA}{m^3}$
U168	2-Naphthylamine	Table D	Naphthalene	91-20-3	0.050 $\frac{kg}{m^3}$	3.1 $\frac{MA}{m^3}$
U169	Nitrobenzene	MA	2-Naphthylamine	91-59-6	0.50 $\frac{kg}{m^3}$	MA
U170	4-Nitrophenol	MA	Nitrobenzene	98-95-3	0.068 $\frac{kg}{m^3}$	14. $\frac{MA}{m^3}$
U172	N-Nitrosodimethylamine	MA	4-Nitrophenol	100-02-7	0.12 $\frac{kg}{m^3}$	29. $\frac{MA}{m^3}$



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U174	N-Nitrosodiethylamine	MA	N-Nitrosodiethylamine	55-18-5	0.40 <del>kg</del>	28. <del>MA</del>	U225	Tribromomethane (Bromoform)	MA	Tribromomethane (Bromoform)	75-25-2	0.63 <del>kg</del>	15. <del>MA</del>
U179	N-Nitrosopiperidine	MA	N-Nitrosopiperidine	100-75-4	0.013 <del>kg</del>	35. <del>MA</del>	U226	1,1,1-Trichloroethane	MA	1,1,1-Trichloroethane	71-55-6	0.054 <del>kg</del>	5.6 <del>MA</del>
U180	N-Nitrosopyrrolidine	MA	N-Nitrosopyrrolidine	930-55-2	0.013 <del>kg</del>	35. <del>MA</del>	U227	1,1,2-Trichloroethane	MA	1,1,2-Trichloroethane	79-00-5	0.054 <del>kg</del>	5.6 <del>MA</del>
U181	5-Nitro-o-toluidine	MA	5-Nitro-o-toluidine	99-55-8	0.32 <del>kg</del>	28. <del>MA</del>	U228	Trichloroethylene	MA	Trichloroethylene	79-01-6	0.054 <del>kg</del>	5.6 <del>MA</del>
U183	Pentachlorobenzene	MA	Pentachlorobenzene	608-93-5	0.055 <del>kg</del>	37. <del>MA</del>	U235	Tris-(2,3-Dibromopropyl)-phosphate	MA	Tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.025	0.10 <del>MA</del>
U185	Pentachloronitrobenzene	MA	Pentachloronitrobenzene	82-68-8	0.055 <del>kg</del>	4.8 <del>MA</del>	U239	Xylenes	MA	Xylene		0.32 <del>kg</del>	28. <del>MA</del>
U187	Phenacetin	MA	Phenacetin	62-44-2	0.081	16. <del>MA</del>	U240	2,4-Dichlorophenoxyacetic acid	MA	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10. <del>MA</del>
U188	Phenol	MA	Phenol	108-95-2	0.039	6.2 <del>MA</del>	U243	Hexachloropropene	MA	Hexachloropropene	40881889-71-7	0.005035 <del>kg</del>	28.
U190	Phthalic anhydride (measured as Phthalic acid)	MA	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.54 <del>MA</del>	28. <del>MA</del>	U247	Methoxychlor	MA	Methoxychlor	72-43-5	0.25 <del>kg</del>	0.18 <del>MA</del>
U192	Pronamide	MA	Pronamide	23950-58-5	0.093	1.5 <del>MA</del>	<del>MA</del>	Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart 00 or 725 Subpart 00, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.					
U196	Pyridine	MA	Pyridine	110-86-1	0.014 <del>kg</del>	16. <del>MA</del>	<del>kg</del>	Based on analysis of composite samples.					
U203	Safrole	MA	Safrole	94-59-7	0.041081	22. <del>MA</del>	<del>kg</del>	As analyzed using SU-846 Method 9010 or 9012; sample size: 0.5-4010 g; distillation time: one hour to one hour and fifteen minutes.					
U204	Selenium dioxide	Table A	Selenium	7782-49-2	1.0	MA	<del>D</del>	Reserved.					
U205	Selenium sulfide	Table A	Selenium	7782-49-2	1.0	MA	MA	Not Applicable.					
U207	1,2,4,5-Tetrachlorobenzene	MA	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055 <del>kg</del>	19. <del>MA</del>	<del>kg</del>	(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)					
U208	1,1,1,2-Tetrachloroethane	MA	1,1,1,2-Tetrachloroethane	630-20-6	0.057	42. <del>MA</del>	<del>MA</del>						
U209	1,1,2,2-Tetrachloroethane	MA	1,1,2,2-Tetrachloroethane	79-34-5	0.057 <del>kg</del>	42. <del>MA</del>	<del>MA</del>						
U210	Tetrachloroethylene	MA	Tetrachloroethylene	127-18-4	0.056 <del>kg</del>	5.6 <del>MA</del>	<del>MA</del>						
U211	Carbon tetrachloride	MA	Carbon tetrachloride	56-5823-5	0.057 <del>kg</del>	5.6 <del>MA</del>	<del>MA</del>						
U214	Thallium (I) acetate	Table D	Thallium	7440-28-0	0.14 <del>kg</del>	MA	<del>MA</del>						
U215	Thallium (I) carbonate	Table D	Thallium	7440-28-0	0.14 <del>kg</del>	MA	<del>MA</del>						
U216	Thallium (I) chloride	Table D	Thallium	7440-28-0	0.14 <del>kg</del>	MA	<del>MA</del>						
U217	Thallium (I) nitrate	Table D	Thallium	7440-28-0	0.14 <del>kg</del>	MA	<del>MA</del>						
U220	Toluene	MA	Toluene	108-88-3	0.080 <del>kg</del>	28. <del>MA</del>	<del>MA</del>						

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U225	Tribromomethane (Bromoform)	MA	Tribromomethane (Bromoform)	75-25-2	0.63 <del>kg</del>	15. <del>MA</del>
U226	1,1,1-Trichloroethane	MA	1,1,1-Trichloroethane	71-55-6	0.054 <del>kg</del>	5.6 <del>MA</del>
U227	1,1,2-Trichloroethane	MA	1,1,2-Trichloroethane	79-00-5	0.054 <del>kg</del>	5.6 <del>MA</del>
U228	Trichloroethylene	MA	Trichloroethylene	79-01-6	0.054 <del>kg</del>	5.6 <del>MA</del>
U235	Tris-(2,3-Dibromopropyl)-phosphate	MA	Tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.025	0.10 <del>MA</del>
U239	Xylenes	MA	Xylene		0.32 <del>kg</del>	28. <del>MA</del>
U240	2,4-Dichlorophenoxyacetic acid	MA	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10. <del>MA</del>
U243	Hexachloropropene	MA	Hexachloropropene	40881889-71-7	0.005035 <del>kg</del>	28.
U247	Methoxychlor	MA	Methoxychlor	72-43-5	0.25 <del>kg</del>	0.18 <del>MA</del>
<del>MA</del>	Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart 00 or 725 Subpart 00, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.					
<del>kg</del>	Based on analysis of composite samples.					
<del>kg</del>	As analyzed using SU-846 Method 9010 or 9012; sample size: 0.5-4010 g; distillation time: one hour to one hour and fifteen minutes.					
<del>D</del>	Reserved.					
MA	Not Applicable.					

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)



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## Section 728. Table C Technology Codes and Description of Technology-Based Standards

## Technology

## code Description of technology-based standard

## ADGAS

Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing values/piping; physical penetration of the container; and/or penetration through detonation.

## AMLGM

Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

## BIODG

Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

## CARBN

Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, and/or organic constituents, operated such that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., Total Organic Carbon can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

## CHOXD

Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents:

1) Hypochlorite (e.g. bleach);

2) chlorine;

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- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permangantes; and/or
- 9) other oxidizing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

## CHRED

Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) Sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; and/or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Halogens can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

## DEACT

Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, and/or



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reactivity.

FUSBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

INCN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery/reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g. resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Acids;
- 2) bases; or

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- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, ~~fluorides~~ fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) Lime (i.e., containing oxides and/or hydroxides of calcium and/or magnesium;
- 2) caustic (i.e., sodium and/or potassium hydroxides;
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional ~~flocculating~~ flocculating, coagulation, or similar reagents/processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of Beryllium.

RCGAS Recovery/reuse of compressed gases including techniques such as reprocessing of the gases for reuse/resale; filtering/adsorption of impurities; remixing for direct reuse ~~for~~ resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

- 1) Distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; and/or



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- 5) incineration for the recovery of acid--

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

Thermal recovery of lead in secondary lead smelters.

Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- A National Emissions Standard for Hazardous Air Pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- A Best Available Control Technology (BACT) or a Lowest Achievable Emission Rate (LAER) standard for mercury imposed pursuant to a Prevention of Significant Deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

- A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

**RMETL** Recovery of metals or inorganics utilizing one or more of the following direct physical/removal technologies:

- 1) Ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation/solvent extraction;
- 5) freeze crystallization-crystallization;
- 6) ultrafiltration; and/or 6-

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- 7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

**RORGs** Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation/crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals);

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

**RTHRM**

Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnaces-furnace".

**RZINC**

Resmelting in high temperature metal recovery units for the purpose of recovery of zinc high-temperature-metal recovery-units.

**STABL**

Stabilization with the following reagents (or waste reagents) or combinations of reagents:



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- 1) Portland cement; or
- 2) lime/pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set/cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic.

## SSTRP

Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery/reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

## WETOX

Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

## WTRCM

Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic/ignitable levels of gases released during the reaction.

## Note 1:

When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table D by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

## Note 2:

When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are

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separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728. Table D Technology-Based Standards by RCRA Waste Code

Waste See Codes Also	CAS No.	Technology- Waste Descriptions
		gy Code, and/or Treatment Waste- Nonwaste- Subcategory waters
D001 NA	NA	DEACT NA Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-wastewaters
D001 NA	NA	DEACT Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-Low TOC Ignitable Liquids Subcategory--Less than 10% total organic carbon
D001 NA	NA	FSUBS; RORGS; or INCIN Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-High TOC Ignitable Liquids Subcategory--Greater than or equal to 10% total organic carbon
D001 NA	NA	DEACT** B Ignitable compressed gases based on 35 Ill. Adm. Code 721.121(a) (3)
D001 NA	NA	DEACT Ignitable reactives based on 35 Ill. Adm. Code 721.121(a) (2)



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D001	NA	NA	DEACT	DEACT	Oxidizers based on 35 Ill. Adm. Code 721.121(a) (4)
D002	NA	NA	DEACT	DEACT	Acid subcategory based on 35 Ill. Adm. Code 721.122(a) (1)
D003	NA	NA	DEACT	DEACT	Alkaline subcategory based on 35 Ill. Adm. Code 721.122(a) (1)
D002	NA	NA	DEACT	DEACT	Other corrosives based on 35 Ill. Adm. Code 721.122(a) (2)
D003	NA	NA	DEACT	DEACT (May not be diluted)	Reactive sulfides based on 35 Ill. Adm. Code 721.123(a) (5)
D003	NA	NA	DEACT	DEACT	Explosives based on 35 Ill. Adm. Code 721.123(a) (6), (7) and (8)
D003	NA	NA	NA	DEACT	Water reactives based on 35 Ill. Adm. Code 721.123(a) (2), (3) and (4)
D003	NA	NA	DEACT	DEACT	Other reactives based on 35 Ill. Adm. Code 721.123(a) (1)
D006	NA	7440-43-9	NA	R THERM	Cadmium-containing batteries

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D008	NA	7439-8292-1	NA	R LEAD	Lead acid batteries (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)
D009	Tables A & B	7439-827-6	NA	IMERC; or RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--contains mercury and organics (and are not incinerator residues))
D009	Tables A & B	7439-827-6	NA	RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--inorganics (including incinerator residues and residues from RMERC))
D012	Table B	72-20-8	BIODG; or NA INCIN	Endrin	
D013	Table B	58-89-9	CARBN; or NA INCIN	Lindane	
D014	Table B	72-43-65	WETOX; or NA INCIN	Methoxychlor	



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D015	Table B 8001-35-1	BIODG; or NA INCIN	Toxaphene
D016	Table B 94-75-7	CHOXD; or BIODG; or INCIN	2,4-D
D017	Table B 93-72-1	CHOXD; or NA INCIN	2,4,5-TP
F005	Tables 79-46-9 A & B	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	2-Nitropropane
F005	Tables 110-80-5 A & B	BIODG; or INCIN INCIN	2-Ethoxyethanol
F014	Tables NA A & B	INCIN	-----
K025	NA	LLEXT fb SSTRIP fb CAREN; or INCIN	Distillation bottoms from the production of nitrobenzene by the nitration of benzene
K026	NA	INCIN	Stripping still tails from the pro- duction of methyl ethyl pyridines
K027	NA	CAREN; or FSUBS; or INCIN	Centrifuge and distillation residues from toluene diisocyanate production
K039	NA	CAREN; or FSUBS; or INCIN	Filter cake from the filtration of di- ethylphosphoro- dithioc acid in the production of phor- ate

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K044	NA	DEACT	DEACT	Wastewater treatment sludges from the manufacturing and processing of explosives
K045	NA	DEACT	DEACT	Spent carbon from the treatment of wastewater con- taining explosives
K047	NA	DEACT	DEACT	Pink/red water from TNT operations
K061	Table-B NA	NA	NIDBR	Emission control dust/sludge from the primary production of steel in electric furnaces (High-Zinc Subcategory-greater than or equal to 15% total zinc)
K069	Tables NA A & B	NA	RLEAD	Emission control dust/sludge from secondary lead smelting: Non- Calcium Sulfate Sub- category
K106	Tables NA A & B	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine pro- duction: (High Mercury Subcategory- greater than or equal to 260 mg/kg total mercury)
K113	NA	CARB; or FSUBS; INCIN	INCIN	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of di- nitrotoluene



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K114	NA	NA	CAREN; or FSUBS; or VICINALS from the purification of tol- uenediamine in the production of toluediamine via hydrogenation of dinitrotoluene
K115	NA	NA	CAREN; or FSUBS; or Heavy ends from the purification of toluediamine in the production of toluediamine via hydrogenation of di- nitrotoluene
K115	NA	NA	CAREN; or FSUBS; or Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluediamine
P001	NA	81-81-2	(WETOX or FSUBS; or Warfarin (>0.3%) CHOXD) fb INCIN CAREN; or INCIN
P002	NA	591-08-2	(WETOX or FSUBS; or 1-Acetyl-2-thiourea CHOXD) fb CAREN; or INCIN
P003	NA	107-02-8	(WETOX or FSUBS; or Acrolein CHOXD) fb INCIN CAREN; or INCIN
P005	NA	107-18-6	(WETOX or FSUBS; or Allyl alcohol CHOXD) fb CAREN; or INCIN
P006	NA	20859-73-8	CHOXD; Aluminum phosphide CHRED; or INCIN

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P007	NA	2763-96-4	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	5-Aminoethyl 3-isoxazolol
P008	NA	504-24-5	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	4-Aminopyridine
P009	NA	131-74-8	CHOXD; FSUBS; CHRED; CHOXD; CAREN; CHRED; or BIODG; or INCIN INCIN	Ammonium picrate
P014	NA	108-95-5	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	Thiophenol (Benzene thiol)
P015	NA	7440-41-7	NA RMETL; or Beryllium dust or RTHRM RTHRM	
P016	NA	542-88-1	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	Bis(chloromethyl)- ether
P017	NA	598-31-2	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	Bromoacetone
P018	NA	357-57-3	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	Brucine
P022	Table B	75-15-0	NA	Carbon disulfide
P023	NA	107-20-0	(WETOX or INCIN CHOXD) fb CAREN; or INCIN	Chloroacetaldehyde



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P026	NA	5344-82-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1-(o-Chlorophenyl)-thiourea	P045	NA	39196-18-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thiofanox
P027	NA	542-76-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	3-Chloropropionitrile	P046	NA	122-09-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	alpha, alpha-Di-methylphenethylamine
P028	NA	100-44-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzyl chloride	P047	NA	534-52-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	4,6-Dinitro-o-cresol salts
P029	NA	460-19-5	CHOXD; or WETOX; or INCIN	Cyanogen	P049	NA	541-53-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2,4-Dithiobiuret
P030	NA	506-77-4	CHOXD; or WETOX; or INCIN	Cyanogen chloride	P054	NA	151-56-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Aziridine
P031	NA	131-89-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Cyclohexyl-4,6-dinitrophenol	P056	Table B	7782-41-4	NA	ADGAS fb NEUTR
P032	NA	297-97-2	CARBN; or FSUBS; or INCIN	O,O-Diethyl O-pyrazinyl phosphorothioate	P057	NA	640-19-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetamide
P041	NA	311-45-5	CARBN; or FSUBS; or INCIN	Diethyl-p-nitrophenyl phosphate	P058	NA	62-74-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetic acid, sodium salt
P042	NA	51-43-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Epinephrine	P062	NA	757-58-4	CARBN; or FSUBS or INCIN	Hexaethyltetraphosphate
P043	NA	55-91-4	CARBN; or FSUBS; or INCIN	Diisopropylfluorophosphate (DFP)	P064	NA	624-83-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Isocyanic acid, ethyl ester
P044	NA	60-51-5	CARBN; or FSUBS; or INCIN	Dimethoate					

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P045	NA	39196-18-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thiofanox
P046	NA	122-09-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	alpha, alpha-Di-methylphenethylamine
P047	NA	534-52-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	4,6-Dinitro-o-cresol salts
P049	NA	541-53-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2,4-Dithiobiuret
P054	NA	151-56-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Aziridine
P056	Table B	7782-41-4	NA	ADGAS fb NEUTR
P057	NA	640-19-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetamide
P058	NA	62-74-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetic acid, sodium salt
P062	NA	757-58-4	CARBN; or FSUBS or INCIN	Hexaethyltetraphosphate
P064	NA	624-83-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Isocyanic acid, ethyl ester



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P065	Tables A & B	628-86-4	NA	RMERC	Mercury fulminate: (High Mercury Sub-category--greater than or equal to 260 mg/kg total Mercury--either incinerator residues or residues from RMERC)
P065	Tables A & B	628-86-4	NA	IMERC	Mercury fulminate: (All nonwastewaters that are not incinerator residues or are not residues from RMERC; regardless of Mercury Content)
P066	NA	16752-77-5	(WETOX or CHOXD) fb	INCIN	Methomyl
P067	NA	75-55-8	(WETOX or CHOXD) fb	CARBEN; or INCIN	2-Methylaziridine
P068	NA	60-34-4	CHOXD; CHRED; CARBEN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl hydrazine
P069	NA	75-86-5	(WETOX or CHOXD) fb	CARBEN; or INCIN	Methylacetonitrile
P070	NA	116-06-3	(WETOX or CHOXD) fb	CARBEN; or INCIN	Aldicarb
P072	NA	86-88-4	(WETOX or CHOXD) fb	CARBEN; or INCIN	1-Naphthyl-2-thio-urea

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P075	NA	54-11-5* A	(WETOX or CHOXD) fb	INCIN	Nicotine and salts
P076	NA	10102-43-9	ADGAS	ADGAS	Nitric oxide
P078	NA	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide
P081	NA	55-63-0	CHOXD; CHRED; CARBEN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Nitroglycerin
P082	Table B	6562-75-9	NA	INCIN	N-Nitrosodimethylamine
P084	NA	4549-40-0	(WETOX or CHOXD) fb	CARBEN; or INCIN	N-Nitrosomethylvinylamine
P085	NA	152-16-9	CARBEN; or INCIN	FSUBS; or INCIN	Octamethylpyrophosphoramide
P087	NA	20816-12-0	NA	RMETL; or RTHRM	Osmium tetroxide
P088	NA	145-73-3	(WETOX or CHOXD) fb	CARBEN; or INCIN	Endothall
P092	Tables A & B	62-38-4	NA	RMERC	Phenyl mercury acetate: (High Mercury Sub-category--greater than or equal to 260 mg/kg total Mercury--either incinerator residues or residues from RMERC)



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P092	Tables A & B	62-38-4	NA	IMERC; or Phenyl mercury acetate: (All nonwastewaters that are not incinerator residues and are not residues from RMERC: regardless of Mercury Content)
P093	NA	103-85-5	(WETOX or CHOXD) fb CARBN; or INCIN	N-Phenylthiourea
P095	NA	75-44-5	(WETOX or CHOXD) fb CARBN; or INCIN	Phosgene
P096	NA	7803-51-2	CHOXD; CHRED; or INCIN	Phosphine
P102	NA	107-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	or Propargyl alcohol
P105	NA	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	Sodium azide
P108	NA	57-24-9*	A (WETOX or CHOXD) fb CARBN; or INCIN	Strychnine and salts
P109	NA	3689-24-5	CARBN; or INCIN	or Tetraethyldithio- pyrophosphate
P112	NA	509-14-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	Tetranitromethane

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P113	Table B	1314-32-5	NA	RTHRM; or Thallic oxide STABL
P115	Table B	7446-18-6	NA	RTHRM; or Thallium (I) sulfate STABL
P116	NA	79-19-6	(WETOX or CHOXD) fb CARBN; or INCIN	Thiosemicarbazide
P118	NA	75-70-7	(WETOX or CHOXD) fb CARBN; or INCIN	Trichloromethane- thiol
P119	Table B	7803-55-6	NA	STABL
P120	Table B	1314-62-1	NA	STABL
P122	NA	1314-84-7	CHOXD; CHRED; or INCIN	Ammonium vanadate Vanadium pentoxide Zinc Phosphide ( $\leq 10\%$ )
U001	NA	75-07-0	(WETOX or CHOXD) fb CARBN; or INCIN	<del>FSUBS; or</del> Acetaldehyde
U003	Table B	75-05-8	NA	INCIN
U006	NA	75-36-5	(WETOX or CHOXD) fb CARBN; or INCIN	Acetonitrile Acetyl chloride
U007	NA	79-06-1	(WETOX or CHOXD) fb CARBN; or INCIN	Acrylamide
U008	NA	79-10-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or Acrylic acid



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U010	NA	50-07-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Mitomycin C
U011	NA	61-82-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Amitrole
U014	NA	492-80-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Auramine
U015	NA	115-02-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Azaserine
U016	NA	225-51-4	(WETOX or FSUBS; or INCIN CHOXD) fb CARBN; or INCIN	Benz(c)acridine
U017	NA	98-87-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzal chloride
U020	NA	98-09-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzenesulfonyl chloride
U021	NA	92-87-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzidine
U023	NA	98-07-7	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN INCIN	Benzotrachloride

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U026	NA	494-03-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chlornaphazin
U033	NA	353-50-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Carbonyl fluoride
U034	NA	75-87-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Trichloro- acetaldehyde (Chloral)
U035	NA	305-03-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chlorambucil
U038	Table B	510-15-6	NA	INCIN
U041	NA	106-89-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1-Chloro-2,3-epoxy- propane (Epichloro- hydrin)
U042	Table B	110-75-8	NA	INCIN
U046	NA	107-30-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Chloroethyl vinyl ether
U049	NA	3165-93-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chloromethyl methyl ether
U053	NA	4170-30-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	4-Chloro-o-toluidine hydrochloride
U055	NA	98-82-8	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	or Crotonaldehyde
			(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	or Cumene



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U056	NA	110-82-7	(WETOX or FSUBS; or Cyclohexane CHOXD) fb INCIN CARBN; or INCIN
U057	Table B	108-94-1	NA FSUBS; or Cyclohexanone INCIN
U058	NA	50-18-0	CARBN; or FSUBS; or Cyclophosphamide INCIN
U059	NA	20830-81-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN Daunomycin
U060	NA	2303-16-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN Diallate
U061	NA	189-55-9	(WETOX or FSUBS; or 1,2,7,8-Dibenzo-pyrene CHOXD) fb INCIN CARBN; or INCIN
U072	NA	91-94-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN 3,3'-Dichlorobenzidine
U074	NA	1476-11-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN cis-1,4-Dichloro-2-butene; trans-1,4-Dichloro-2-butene
U085	NA	1464-53-5	(WETOX or FSUBS; or 1,2:3,4-Diepoxybutane CHOXD) fb INCIN CARBN; or INCIN
U086	NA	1615-80-1	CHOXD; CHRED; FSUBS; CHOXD; CHRED; or CARBN; or INCIN BIODG; or INCIN N,N-Diethylhydrazine

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U087	NA	3288-58-2	CARBN; or FSUBS; or O,O-Diethyl S-methyldithio-phosphate INCIN
U089	NA	56-53-1	(WETOX or FSUBS; or Diethyl stilbestrol CHOXD) fb INCIN CARBN; or INCIN
U090	NA	94-58-6	(WETOX or FSUBS; or Dihydrosafrole CHOXD) fb INCIN CARBN; or INCIN
U091	NA	119-90-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN 3,3'-Dimethoxybenzidine
U092	NA	124-40-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN Dimethylamine
U093	Table B	621-90-9	NA INCIN p-Dimethylaminoazobenzene
U094	NA	57-97-6	(WETOX or FSUBS; or 7,12-Dimethylbenz-(a)anthracene CHOXD) fb INCIN CARBN; or INCIN
U095	NA	119-93-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN 3,3'-Dimethylbenzidine
U096	NA	80-15-9	CHOXD; CHRED; FSUBS; CHOXD; CHRED; or CARBN; or INCIN BIODG; or INCIN alpha, alpha-Dimethyl-benzyl hydroperoxide
U097	NA	79-44-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN Dimethylcarbamoyl chloride



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U098	NA	57-14-7	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,1-Dimethylhydrazine
U099	NA	540-73-8	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Dimethylhydrazine
U103	NA	77-78-1	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Dimethyl sulfate
U109	NA	122-66-7	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Diphenylhydrazine
U110	NA	142-84-7	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Dipropylamine
U113	NA	140-88-5	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Ethyl acrylate
U114	NA	111-54-6	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Ethylenebisdithiocarbamic acid
U115	NA	75-21-8	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Ethylene oxide
U116	NA	96-45-7	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Ethylene thiourea

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U119	NA	62-50-0	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Ethyl methane-sulfonate
U122	NA	50-00-0	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Formaldehyde
U123	NA	64-18-6	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Formic acid
U124	NA	110-00-9	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Furan
U125	NA	98-01-1	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Furfural
U126	NA	765-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Glycidylaldehyde
U132	NA	70-30-4	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Hexachlorophene
U133	NA	302-01-2	(WETOX or CHOXD) fb CARBN; or BIODG; or INCIN	(WETOX or CHOXD) fb CARBN; or BIODG; or INCIN	Hydrazine
U134	Table B 7664-39-3	NA	ADGAS fb NEUTR; or NEUTR	ADGAS fb NEUTR; or NEUTR	Hydrogen Fluoride
U135	NA	7783-06-4	(WETOX or CHOXD) fb CARBN; or INCIN	(WETOX or CHOXD) fb CARBN; or INCIN	Hydrogen Sulfide



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U143	NA	303-34-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Lasiocarpine	U160	NA	1338-23-4	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIOGD; or INCIN INCIN	Methyl ethyl ketone peroxide
U147	NA	108-31-6	(WETOX or FSUBS; or INCIN CHOXD) fb CARBN; or INCIN	Maleic anhydride	U163	NA	70-25-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U148	NA	123-33-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Maleic hydrazide	U164	NA	56-04-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Methylthiouracil
U149	NA	109-77-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Malononitrile	U166	NA	130-15-4	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	1,4-Naphthoquinone
U150	NA	148-82-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Melphalan	U167	NA	134-32-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1-Naphthylamine
U151	Tables A & B	7439-97-6	NA	Mercury: (High Mercury Sub- category--greater than or equal to 260 mg/kg total Mercury)	U168	Table B	91-59-8	NA	2-Naphthylamine
U153	NA	74-93-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Methanethiol	U171	NA	79-46-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Nitropropane
U154	NA	67-56-1	(WETOX or FSUBS; or INCIN CHOXD) fb CARBN; or INCIN	Methanol	U173	NA	1116-54-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-diethanol- amine
U156	NA	79-22-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Methyl chloro- carbonate	U176	NA	759-73-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-ethyl- urea
					U177	NA	684-93-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urea



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U178	NA	615-53-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl-urethane
U182	NA	123-63-7	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Paraldehyde
U184	NA	76-01-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Pentachloroethane
U186	NA	504-60-9	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	1,3-Pentadiene
U189	NA	1314-80-3	CHOXD; CHRED; or INCIN	Phosphorus sulfide
U191	NA	109-06-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Picoline
U193	NA	1120-71-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1,3-Propane sultone
U194	NA	107-10-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	n-Propylamine
U197	NA	106-51-4	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	p-Benzoquinone
U200	NA	50-55-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Reserpine

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U201	NA	108-46-3	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Resorcinol
U202	NA	81-07-2*	A (WETOX or INCIN CHOXD) fb CARBN; or INCIN	Saccharin and salts
U206	NA	18883-66-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Streptozotocin
U213	NA	109-99-9	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Tetrahydrofuran
U214	Table B	563-68-8	NA	RTHRM; or Thallium (I) acetate STABL
U215	Table B	6533-73-9	NA	RTHRM; or Thallium (I) STABL carbonate
U216	Table B	7791-12-0	NA	RTHRM; or Thallium (I) STABL chloride
U217	Table B	10102-45-1	NA	RTHRM; or Thallium (I) nitrate STABL
U218	NA	62-55-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thioacetamide
U219	NA	62-56-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thiourea
U221	NA	25376-45-8	CARBN; or FSUBS; or INCIN	Toluenediamine
U222	NA	636-21-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	o-Toluidine hydrochloride



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U223	NA	26471-62-5	CARBEN; or FSUBS; or INCIN	or Toluene diisocyanate
U234	NA	99-35-4	(WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	sym-Trinitrobenzene
U236	NA	72-57-1	(WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	Trypan Blue
U237	NA	66-75-1	(WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	Uracil mustard
U238	NA	51-79-6	(WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	Ethyl carbamate
U240	NA	94-75-7*	A (WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	2,4-Dichlorophenoxy-acetic acid (salts and esters)
U244	NA	137-26-8	(WETOX or INCIN) fb (CHOXD) fb CARBN; or INCIN	Thiram
U246	NA	506-68-3	CHOXD; or WETOX; or INCIN	Cyanogen bromide
U248	NA	81-81-2	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	Warfarin (greater than or equal to 3% 0.3% or less)
U249	NA	1314-84-7	CHOXD; or CHRED; or INCIN	Zinc Phosphide

\*A CAS Number given for parent compound only.

\*B This waste code exists in gaseous form and is not

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categorized as wastewater or nonwastewater forms.

NA Not Applicable.

BOARD NOTE: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in this Table by indicating the five letter technology code that must be applied first, then the designation "fb" (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified a alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "or". This indicates that any one of these BDAI technologies or treatment trains can be used for compliance with the standard. See Section 728. Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 268.42, Table 2, as adopted at 54 Fed. Reg. 22694, June 1, 1990 (1990), as amended at 56 Fed. Reg. 3876, January 31, 1991.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728. Table E Standards for Radioactive Mixed Waste

WASTE CODES	TECHNOLOGY CODE		WASTE DESCRIPTIONS	
	NON	AND/OR	WASTEWATER TREATMENT	SUBCATEGORY
D002-NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods	Subcategory
D004-NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods	Subcategory
D005-NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods	Subcategory
D006-NA	NA	HLVIT	Radioactive High Level Wastes	Subcategory







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originated materials that can be incinerated and stabilized as ash).

D008	MA	MA	HLVII
Radioactive high level wastes generated during the reprocessing of fuel rods subcategory			
D009	7439-97-6	MA	AMLCM
Elemental mercury contaminated with radioactive materials			
D009	7439-97-6	MA	IMERC
Hydraulic oil contaminated with mercury; radioactive materials subcategory			
D009	MA	MA	HLVII
Radioactive high level wastes generated during the reprocessing of fuel rods subcategory			
D010	MA	MA	HLVII
Radioactive high level wastes generated during the reprocessing of fuel rods subcategory			
D011	MA	MA	HLVII
Radioactive high level wastes generated during the reprocessing of fuel rods subcategory			
U151	7439-97-6	MA	AMLCM
Mercury: Elemental Mercury contaminated with radioactive materials			

Note: MA means Not Applicable.

(Source: Amended at 16 Ill. Reg. 9619, effective June 9, 1992)

## Section 728. Table H Wastes Excluded from CCW Treatment Standards

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44 (1991), and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

Facility name and address	Waste Code	See Also	Regulated hazardous constituent	Wastewater Concentration (mg/L)	Notes	Nonwastewater Concentration (mg/L)	Notes
Craftman Plating	F006	Table A	Cyanides (Total)	1.2	B	1800	D

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and Imling Corp., Chicago, IL

Cyanides (amenable)	0.86	B and C	D
Cadmium	1.6	MA	
Chromium	0.32	MA	
Lead	0.40	MA	
Nickel	0.44	MA	
Cyanides (Total)	1.2	B	270
Table A			
Cyanides (amenable)	0.86	B and C	D
Cadmium	1.6	MA	
Chromium	0.32	MA	
Lead	0.40	MA	
Nickel	0.44	MA	

Northwestern Plating Works, Inc., Chicago, IL

## Notes:

A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.

B Cyanide wastewater standards for F006 are based on analysis of composite samples.

C These owners and operators shall comply with 0.86 mg/L for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators shall also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.

D Cyanide nonwastewaters are analyzed using SW-846 Method 9010 or 9012, sample size 10 g, distillation time one hour and fifteen minutes. SW-846 is incorporated by reference in 35 Ill. Reg. 720.111.

NA Not applicable.

(Source: Added at 16 Ill. Reg. 9619, effective June 9, 1992)



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- 1) Heading of the Part: RCRA PERMIT PROGRAM
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers: Adopted Action:  
 703.150, 703.155, 703.157 Amended  
 703.208 New Section  
 703.211 Amended  
 703.232 New Section  
 703.280, 703.283, Appendix A Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$ , pars. 1007.2, 1022.4 and 1027.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 1058
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 11) Difference(s) between proposal and final version:

Several editorial changes have been made throughout the rules:

- " ) - ( " and " ) - ( " have been changed to " ) through ( " .
- "above" or "below" has been inserted after each "subsection" reference.

The following specific changes have been made to the Proposal:

Section Difference

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- 703.208(a)(1)(A) "-" changed to "through"
- 703.208(a)(1)(B) "may submit date data"
- 703.208(a)(2) References to "726.220" changed to "726.210"
- 703.208(a)(2)(B)(iii) "subsection (a)(1)(B)(ii)" changed to "in subsection (a)(2)(B)(ii), above,"
- 703.208(a)(3) "and (c)" changed to "and (e)"
- 703.208(a)(3)(B) "or (e)" changed to "or (c)"
- 703.208(a)(4) "and (3)" changed to "and (a)(3), above"
- 703.208(a)(6) Hyphen changed to "through".
- 703.208(a)(6) "trial burn if he the Agency finds"
- 703.211(d)(3) "approved" corrected
- 703.232 Hyphen changed to "through" at nine places
- 703.232(c)(2)(B) "identified at as the basis for this exclusion explained. The analysis must be conducted"
- 703.232(c)(5) "subsection (6)(2)" changed to "subsection (b)(2), above,"
- 703.232(d)(2)(C) "726.102(c)" changed to "726.102(e)"
- 703.232(d)(3) "or later, if the"
- 703.232(e) "and,"
- 703.App. A, item L "requirements"

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
 Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.



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- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 703 governs the issuance of RCRA permits for hazardous waste management facilities. It is derived from 40 CFR 270. Most of the amendments are derived from the USEPA "BIF" ("Boiler and Industrial Furnace") rules in the February 21, 1991 Federal Register. The USEPA rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in this action.

- 703.155 Persons with newly regulated BIF units will be able to file a Part A to acquire interim status for the BIF.
- 703.157 Allows extended interim status for BIFs now

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being brought into the program.

703.208 This specifies the RCRA permit application module for a BIF.

703.232 The operator of a BIF gets a succession of permits which allow trial burns to establish conditions for the Part B RCRA permit.

703.280 The amendments deal with permit modification for persons who already have a RCRA permit, and also have a BIF, which now needs to be added to the permit. These persons are authorized to continue operating the BIF if they submit a permit modification request within 180 days after the effective date of the new rules.

App. A Assigns various BIF-related modifications to Classes.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:



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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER b: PERMITS

## PART 703

## RCRA PERMIT PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
 703.100  
 703.101  
 703.110

Scope and Relation to Other Parts  
 Purpose  
 References

## SUBPART B: PROHIBITIONS

Section  
 703.120  
 703.121  
 703.122  
 703.123  
 703.124  
 703.125  
 703.126  
 703.127

Prohibitions in General  
 RCRA Permits  
 Specific Inclusions in Permit Program  
 Specific Exclusions from Permit Program  
 Discharges of Hazardous Waste  
 Reapplications  
 Initial Applications  
 Federal Permits (Repealed)

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section  
 703.140  
 703.141  
 703.150

Purpose and Scope  
 Permits by Rule  
 Application by Existing HWM Facilities and Interim Status Qualifications

Section  
 703.151  
 703.152  
 703.153  
 703.154  
 703.155  
 703.156  
 703.157  
 703.158  
 703.159  
 703.160

Application by New HWM Facilities  
 Amended Part A Application  
 Qualifying for Interim Status  
 Prohibitions During Interim Status  
 Changes During Interim Status  
 Interim Status Standards  
 Grounds for Termination of Interim Status  
 Permits for Less Than an Entire Facility  
 Closure by Removal  
 Procedures for Closure Determination

## SUBPART D: APPLICATIONS

Section  
 703.180  
 703.181  
 703.182  
 703.183  
 703.184

Applications in General  
 Contents of Part A  
 Contents of Part B  
 General Information  
 Facility Location Information

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Groundwater Protection Information  
 Exposure Information  
 Solid Waste Management Units  
 Other Information  
 Specific Information  
 Containers  
 Tank Systems  
 Surface Impoundments  
 Waste Piles  
 Incinerators  
 Land Treatment  
 Landfills  
 Specific Part B Information Requirements for Boilers and Industrial Furnaces

Section  
 703.185  
 703.186  
 703.187  
 703.188  
 703.200  
 703.201  
 703.202  
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 703.205  
 703.206  
 703.207  
 703.208  
 703.209  
 703.210  
 703.211  
 703.212

Miscellaneous Units  
 Process Vents  
 Equipment  
 Drip Pads

## SUBPART E: SHORT TERM AND PHASED PERMITS

Section  
 703.221  
 703.222  
 703.223  
 703.224  
 703.225  
 703.230  
 703.231  
 703.232

Emergency Permits  
 Incinerator Conditions Prior to Trial Burn  
 Incinerator Conditions During Trial Burn  
 Incinerator Conditions After Trial Burn  
 Trial Burns for Existing Incinerators  
 Land Treatment Demonstration  
 Research, Development and Demonstration Permits  
 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

## SUBPART F: PERMIT CONDITIONS OR DENIAL

Section  
 703.240  
 703.241  
 703.242  
 703.243  
 703.244  
 703.245  
 703.246  
 703.247

Permit Denial  
 Establishing Permit Conditions  
 Noncompliance Pursuant to Emergency Permit  
 Monitoring  
 Notice of Planned Changes  
 Twenty-four Hour Reporting  
 Reporting Requirements  
 Anticipated Noncompliance

## SUBPART G: CHANGES TO PERMITS

Section  
 703.260  
 703.270  
 703.271  
 703.272  
 703.273

Transfer  
 Modification  
 Causes for Modification  
 Causes for Modification or Reissuance  
 Facility Siting



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- 703.280 Permit Modification at the Request of the Permittee  
 703.281 Class 1 Modifications  
 703.282 Class 2 Modifications  
 703.283 Class 3 Modifications

## Appendix A Classification of Permit Modifications

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992.

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

## Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

- a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

- 1) Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm.

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Code 725 or 726; or

- 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726;
- 3) For generators which generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

**BOARD NOTE:** Derived from 40 CFR 270.10(e)(1) and 270.1(b) (1991), amended at 56 Fed. Reg. 32688, July 17, 1991.

- b) ~~The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35 Ill. Adm. Code 724 applicable to any TSG unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for granting a variance under subsection (c), below, the Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.~~

**BOARD NOTE:** Derived from 40 CFR 270.10(e)(2) (1990).

- c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition. ~~The Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.~~

**BOARD NOTE:** Derived from 40 CFR 270.10(e)(3) (1990).

- d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35



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Ill. Adm. Code 724 applicable to any TSD unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time.

Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments which render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e)(4) (1990).

- e) Interim status may be terminated as provided in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1990).

~~(Board Note: See 40 CFR 270.10(e).)~~

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), below, the owner or operator of an interim status facility may make the following changes at the facility:

- 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
- 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the

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need for the change) and the Agency approves the change because:

- A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
  - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.
- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

- A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or

- B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725, Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725, Subpart H as of the date of



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demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

- 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

- 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

Except as specifically allowed under this subsection, changes listed under subsection (a) above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

- 1) Changes made solely for the purposes of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
- 2) If necessary to comply with federal, state or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
- 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule

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establishing the new listing or identification.

- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.
- 6) Changes to treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.
- 7) Addition of newly regulated units under subsection (a)(6), above.

(Board Note: Derived from 40 CFR 270.72 (1988) as amended at 54 Fed. Reg. 9607, March 7, 1989 (1990, as amended 56 Fed. Reg. 7206, February 21, 1991.)

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## Section 703.157 Grounds for Termination of Interim Status

## Interim status terminates when:

- a) Final administrative disposition of a permit application is made; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.



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- c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:
- 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
  - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:
- 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
  - 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements. (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.)
- f) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
- g) For owners and operators of any facility (other than a

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land disposal or an incinerator facility) which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

(Board Note: Derived from 40 CFR 270.10(e) (5) (1988) and 270.73 (1988), as amended at 54 Fed. Reg. 9697, March 7, 1989; 1990, as amended at 56 Fed. Reg. 7206, February 21, 1991.)

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## SUBPART D: APPLICATIONS

## Section 703.208 Specific Part B Information Requirements for Boilers and Industrial Furnaces

## a) Trial burns.

1) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205 standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

- A) Under subsection (a)(2) through (5) and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
  - B) The owner or operator may submit date in lieu of a trial burn, as prescribed in subsection (a)(6), below.
- 2) Waiver of trial burn of DRE (destruction removal efficiency).



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- A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210 that automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.
- B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a) that waive the DRE trial burn, the owner or operator shall submit:
- i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
  - ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111).
  - iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii), above, using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
  - iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii), above, using modeling procedures prescribed by 35 Ill. Adm.

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- Code 726.206(h). The Agency shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii), above, quantified in conformance with subsection (a)(2)(B)(iv), above, does not exceed the allowable ambient level established in 35 Ill. Adm. Code 726. Appendices D or E. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in 35 Ill. Adm. Code 726. Appendix D or risk-specific does has not been established in 35 Ill. Adm. Code 726. Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to 35 Ill. Adm. Code 726. Appendix D.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator shall submit:
- A) Documentation of the feed rate of hazardous waste, other fuels and industrial furnace feed stocks;
  - B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
  - C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code



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726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection.

- D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.206(b)(3) through (5);

- E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;

- F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

- G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels and industrial furnace feed stocks.

- 4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b) which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with subsection (a)(2)(B) and (a)(3), above.

- 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions by HCl and chlorine gas without requiring a trial burn, the owner or operator shall submit:

- A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

- B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other

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fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

- C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

- D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3).

- E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

- F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

- G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces



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burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency shall approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information shall be submitted:

## A) For a waiver from any trial burn:

i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection.

B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in 35 Ill. Adm. Code 721. Appendix H, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous

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waste for which burn data are provided.

b) Alternative HC limit for industrial furnaces with organic matter in raw materials. Owners and operators of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall submit the following information at a minimum:

- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
- 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
- 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;
- 4) Trial burn plan to:
  - A) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
  - B) Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H that are emitted when burning hazardous waste;
- 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
- 6) Such other information as the Agency finds necessary to achieve the purposes of this



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## subsection.

c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Agency finds necessary to achieve the purposes of this subsection.

d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

f) Residues. Owners and operators that claim that their residues are excluded from regulation under the provisions of 35 Ill. Adm. Code 726.212 shall submit information adequate to demonstrate conformance with those provisions.

(Source: Added at 16 Ill. Reg. 9767, effective June 9, 1992)

## Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have equipment to which 35 Ill. Adm. Code 724.Subpart BB applies shall provide the following additional information:

a) For each piece of equipment to which 35 Ill. Adm. Code 724.Subpart BB applies:

- 1) Equipment identification number and hazardous waste management unit identification.

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- 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).

- 3) Type of equipment (e.g., a pump or pipeline valve).

- 4) Percent by weight total organics in the hazardous wastestream at the equipment.

- 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).

- 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

b) For facilities which cannot install a closed-vent system and control device to comply with 35 Ill. Adm. Code 724.Subpart BB on the effective date that facility becomes subject to this Subpart or 35 Ill. Adm. Code 724.Subpart BB, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation which demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency shall request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:

- 1) A list of all information references and sources used in preparing the documentation.

- 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j).



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- 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
- 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## SUBPART E: SHORT TERM AND PHASED PERMITS

## Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) through (f), below. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g), below.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
  - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler

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or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish in the Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

- A) Applicants must submit a statement, with part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202 (e).
  - B) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c), below, to be submitted with part B of the permit application.
  - 3) Post-trial burn period.
    - A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and



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review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

C) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202 (e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial

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furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride and ash;

B) Viscosity or description of the physical form of the feed stream;

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in App. H which would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111 or their equivalent.)

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods or other equivalent.

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

3) A detailed engineering description of the boiler or industrial furnace, including:



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- A) Manufacturer's name and model number of the boiler or industrial furnace;
- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed system for the hazardous waste, and as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff system(s); and
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2), above.
- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
- 7) A description of and planned operating conditions for any emission control equipment that will be used.
- 8) Procedures for rapidly stopping the hazardous

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- waste feed and controlling emissions in the event of an equipment malfunction.
- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2), above.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
- 2) The Agency shall approve a trial burn plan if the Agency finds that:
- A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107.
- B) The trial burn itself will not present an imminent hazard to human health and the environment;
- C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102 (e); and
- D) The information sought in the trial burn cannot reasonably be developed through other means.
- 3) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c), above. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
- 4) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.



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- 5) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- 6) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721. Appendix G as the basis for listing.
- 7) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:
- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
  - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204 (a):
    - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
    - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
    - C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204 (a).

- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204 (e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.
- 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206 (c) or (d) or 726.207 (b) (2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards.
- 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204 (a), 726.206 (c) or (d), or 726.207 (b) (2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;
- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and where required, hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.
- 9) Interim status boilers and industrial furnaces, for the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code



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726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). Applicants who submit a trial burn plan and receive approval before submission of the part B permit application shall complete the trial burn and submit the results specified in subsection (f), above, with the part B permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Agency to establish a later date for submission of the part B application or the trial burn results. If the applicant submits a trial burn plan with part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

(Source: Added at 16 Ill. Reg. 9767, effective June 9, 1992)

## SUBPART G: CHANGES TO PERMITS

## Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 Modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

- 1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the Agency may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested

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## classification.

- 2) The Agency shall make the determination described in subsection (d)(1), above, a promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

- A) Class 1 modification apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
- B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to
  - i) Common variations in the types and quantities of the wastes managed under the facility permit,
  - ii) Technological advances, and
  - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
- C) Class 3 modifications substantially alter the facility or its operation.
  - e) Temporary authorizations.
    - 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
    - 2) Procedures.



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- A) The permittee may request a temporary authorization for:
- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) below, and
  - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) below; or that meets the criteria in subsection (e)(3)(B)(iii) through (v) below, and provides improved management or treatment of a hazardous waste already listed in the facility permit.
- B) The temporary authorization request must include:
- i) A description of the activities to be conducted under the temporary authorization;
  - ii) An explanation of why the temporary authorization is necessary; and
  - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
- C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
- 3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:
- A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
  - B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a

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- modification request:
- i) To facilitate timely implementation of closure or corrective action activities;
  - ii) To allow treatment or storage in tanks or containers of restricted wastes in accordance with 35 Ill. Adm. Code 728;
  - iii) To prevent disruption of ongoing waste management activities;
  - iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
  - v) To facilitate other changes to protect human health and the environment.
- 4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:
- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or
  - B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.
- f) Public notice and appeals of permit modification decisions.
- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).



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- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly listed or identified wastes regulated wastes and units.

- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721 if the permittee, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

- A) Was the unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
- B) Submits the permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
- C) Is the permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
- D) In the case of classes 2 and 3 modifications, the permittee also submits a complete permit class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
- E) In the case of land disposal units, the

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permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to clarify certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.

- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

- h) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

{Board Note: Derived from 40 CFR 270.42(d) through (h) ~~as amended at 53 Fed. Reg. 37934, September 28, 1988, (1990), as amended at 56 Fed. Reg. 7206, February 21, 1991, and at 56 Fed. Reg. 32688, July 17, 1991.~~

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## Section 703.283 Class 3 Modifications

- a) For Class 3 modifications, listed in Appendix A, the permittee shall submit a modification request to the Agency which:

- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
- 2) Identifies that the modification is a Class 3 modification;
- 3) Explains why the modification is needed; and
- 4) Provides the applicable information required by Section 703.181 through ~~703.185~~ 703.187, 703.201 through ~~703.207~~ 703.209, 703.221 through 703.225.



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and-703.230 and 703.232.

- b) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and shall publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Agency evidence of the mailing and publication. The notice must include:

- 1) Announcement of a 60-day comment period, in accordance with subsection (e) below, and the name and address of an Agency contact to whom comments must be sent;
  - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d) below;
  - 3) Name and telephone number of the permittee's contact person;
  - 4) Name and telephone number of an Agency contact person;
  - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
  - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) above, and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

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- e) the public shall be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) After the conclusion of the 60-day comment period, the Agency shall grant or deny the permit modification request according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency shall consider and respond to all significant written comments received during the 60-day comment period.

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

## Section 703.Appendix A Classification of Permit Modifications

Class	Modifications
A. General Permit Provisions	
1	1. Administrative and informational changes.
1	2. Correction of typographical errors.
1	3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
	4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
1	a. To provide for more frequent monitoring, reporting or maintenance.
2	b. Other changes.
1*	5. Schedule of compliance:
	a. Changes in interim compliance dates, with prior approval of the Agency.
3	b. Extension of final compliance date.

BOARD NOTE: "\*" indicates that prior Agency approval is required.



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- 1\* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1\* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- B. General Facility Standards
1. Changes to waste sampling or analysis methods:
- 1 a. To conform with Agency guidance or Board regulations.
- 1 b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
- 2 c. Other changes.
2. Changes to analytical quality assurance/control plan:
- 1 a. To conform with agency guidance or regulations.
- 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.
5. Changes in the training plan:
- 2 a. That affect the type or decrease the amount of training given to employees.
- 1 b. Other changes.
6. Contingency plan:
- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency

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- 2 equipment listed.
- c. Removal of equipment from emergency equipment list.
- 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.
- Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.
- C. Groundwater Protection
1. Changes to wells:
- 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
- 1\* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2\* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring



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6.

Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
- 3

7.

Compliance monitoring program:

a.

Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
- 2

8.

Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
- 3

9.

Corrective action program:

a.

Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2

10.

Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

1. Changes to the closure plan:

- 1\*

a.

Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1\*

b.

Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1\*

c.

Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1\*

d.

Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

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- 2

e.

Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2

f.

Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3

2.

Creation of a new landfill unit as part of closure.
- 3

3.

Addition of the following new units to be used temporarily for closure activities:

a.

Surface impoundments.

b.

Incinerators.

c.

Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).

d.

Waste piles that comply with 35 Ill. Adm. Code 724.350(c).

e.

Tanks or containers (other than specified below).

f.

Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- 1\*

E. Post-Closure

1.

Changes in name, address or phone number of contact in post-closure plan.

2.

Extension of post-closure care period.

3.

Reduction in the post-closure care period.

4.

Changes to the expected year of final closure, where other permit conditions are not changed.

5.

Changes in post-closure plan necessitated by events occurring during the active life of the



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facility, including partial and final closure.

## F. Containers

## 1. Modification or addition of container units:

- 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## 2.

- 2 a. Modification of a container unit without increasing the capacity of the unit.

## 1

- b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

- 3 a. That require additional or different management practices from those authorized in the permit.
- 2 b. That do not require additional or different management practices from those authorized in the permit.

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## 4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1 b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## G. Tanks

## 1.

- 3 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies:



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neutralization, dewatering, phase separation or component separation.

- 1\* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies:  
neutralization, dewatering, phase separation or component separation.

- 1 e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 2 Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:

- a. The capacity difference is no more than 1500 gallons,
- b. The facility's permitted tank capacity is not increased and
- c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different

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management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.



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2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

2 4. Modification of a surface impoundment management practice.

5. Treatment, storage or disposal of different wastes in surface impoundments:

3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment

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has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

2 2. Modification of waste pile unit without increasing the capacity of the unit.

1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

3 a. That require additional or different management practices or different design of the unit.

2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.



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## J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.
- 3 6. Landfill different wastes:
  - a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
  - b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements-stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes

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(F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements-stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
  - a. That require a change in permit operating conditions or unit design specifications.
  - b. That do not require a change in permit operating conditions or unit design specifications.
6. Modification of a land treatment unit management practice to:
  - a. Increase rate or change method of waste application.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.



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## NOTICE OF ADOPTED AMENDMENTS

- 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1\* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1\* 16. Changes to allow a second land treatment demonstration to be conducted when the results of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
  - 2 18. Changes in vegetative cover requirements for closure.
  - L. Incinerators, Boilers and Industrial Furnaces
  - 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste-feed-rate-limit or an organic-chlorine-feed-rate-limit, a feedrate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
  - 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste-feed-limit or an organic-chlorine-feed-rate-limit, a feedstream rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
  - 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub> metals or particulates from the combustion gases



## POLLUTION CONTROL BOARD

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or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

- 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

## 5. Operating requirements:

- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, or oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

## 6. Incineration of burning different wastes:

- 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized

## POLLUTION CONTROL BOARD

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by the permit or if incineration burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

- 2 b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## 7. Shutdown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shutdown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- 1\* b. Authorization of up to an additional 720 hours of waste incineration burning during the shutdown period for determining operational readiness after construction, with the prior approval of the Agency.

- 1\* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1\* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1 8. Substitution of an alternate type of nonhazardous



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waste fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1990), as amended at 56 Fed. Reg. 7206, February 21, 1991.

(Source: Amended at 16 Ill. Reg. 9767, effective June 9, 1992)

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1) Heading of the Part: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 722

3) Section Numbers: 722.110, 722.134  
Adopted Action: Amended

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 1007.2, 1022.4 and 1027.

5) Effective Date of Amendments: June 9, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference?

8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992

9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 1112

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

11) Difference(s) between proposal and final version:

Several editorial changes have been made throughout the rules:

" ) - ( " and " ) - ( " have been changed to " ) through ( " .

"above" or "below" has been inserted after each "subsection" reference.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.



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- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111. par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111. par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 722 governs persons who generate hazardous waste. It is derived from 40 CFR 262, which was amended in connection with the "third third" corrections in the January 31, 1991, Federal Register.

722.110 Reference added to Part 728.

722.134 Reference added to Section 728.107(a)(4).

- 16) Information and questions regarding this adopted amendment shall be directed to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 722

## STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

Section  
722.110  
722.111  
722.112

Purpose, Scope and Applicability  
Hazardous Waste Determination  
USEPA Identification Numbers

## SUBPART B: THE MANIFEST

Section  
722.120  
722.121  
722.122  
722.123

General Requirements  
Acquisition of Manifests  
Number of Copies  
Use of the Manifest

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section  
722.130  
722.131  
722.132  
722.133  
722.134

Packaging  
Labeling  
Marking  
Placarding  
Accumulation Time

## SUBPART D: RECORDKEEPING AND REPORTING

Section  
722.140  
722.141  
722.142  
722.143  
722.144

Recordkeeping  
Annual Reporting  
Exception Reporting  
Additional Reporting  
Special Requirements for Generators of between 100 and 1000 kilograms per month

## SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section  
722.150  
722.151  
722.152  
722.153  
722.154  
722.155  
722.156  
722.157

Applicability  
Definitions  
General Requirements  
Notification of Intent to Export  
Special Manifest Requirements  
Exception Report  
Annual Reports  
Recordkeeping

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## SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section  
722.160

Imports of Hazardous Waste

## SUBPART G: FARMERS

Section  
722.170

Farmers

## 722.Appendix A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9822, effective June 9, 1992.

## SUBPART A: GENERAL

## Section 722.110 Purpose, Scope and Applicability

a) These regulations establish standards for generators of hazardous waste.

b) A generator who treats, stores or disposes of hazardous waste on-site must only comply with the following Sections of this Part with respect to that waste: Section 722.111 for determining whether or not the generator has a hazardous waste, Section 722.112 for obtaining an EPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and, if applicable, Section



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722.170 for farmers.

- c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.

- d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of Section 722.151 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724 725 or 728 with respect to such pesticides.

- e) A person who generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.

~~(Board Note: A generator who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725 and 726.)~~

- f) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

~~(Board Note: BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725, 726 and 728.)~~

- g) 35 Ill. Adm. Code 700 contains rules on application of other Board regulations.

(Source: Amended at 16 Ill. Reg. 9822, effective June 9, 1992)

## Section 722.134 Accumulation Time

- a) Except as provided in subsections (d), (e) or (f),

below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214 and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

- 1) The waste is placed:

- A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I; or
- B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart J except 35 Ill. Adm. Code 725.297(c) and 725.300; or
- C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:

- i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

BOARD NOTE: The "in addition" hanging paragraph is in the introduction to subsection (a), above.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and

- 4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D, with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).



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- b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act.

- c) Accumulation near point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with ~~paragraph~~ subsection (a) above, provided the generator:

- A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and
- B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

- 2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) above, at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) above, or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1) above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator who generates greater than 100 kilograms

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but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I, except the generator need not comply with 35 Ill. Adm. Code 725.276;
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and ~~(a)(3) above, and the requirements of~~ 35 Ill. Adm. Code 725.Subpart C and of 35 Ill. Adm. Code 728.107(a)(4); and
- 5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(45)(D) below. The employee is the emergency coordinator.

- B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material, and if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.
- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant



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to their responsibilities during normal facility operations and emergencies:

D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher:
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil:
- iii) In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name, address and USEPA identification number (35 Ill. Adm. Code 722.112) of the generator; date, time and type of incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.

e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d), above.

f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in

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quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 16 Ill. Reg. 9822 , effective June 9, 1992)



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- 1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Numbers: Adopted Action:  
724.212, 724.440, 724.930 Amended  
724.935 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1007.2, 1022.4 and 1027.
- 5) Effective Date of Amendments: June 9, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992
- 9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 1123
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?  
Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 11) Difference(s) between proposal and final version:  
Several editorial changes have been made throughout the rules:  
" ) - ( " and " ) - ( " have been changed to " ) through ( "  
" above " or " below " has been inserted after each " subsection " reference.

The following specific changes have been made to the Proposal:

<u>Section</u>	<u>Difference</u>
724.212(d)(2)(A)	"a)" changed to "A)"

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- 724.212(d)(2)(B) "owner" corrected.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):  
The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.  
Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.  
The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 724 sets final standards for owners and operators of hazardous waste management facilities with RCRA permits. It is derived from 40 CFR 264, which was amended mainly in connection with the "BIF" rules in the February 21, 1991, Federal Register. The BIF rules were also corrected in the



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July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in this action.

724.212 Requirement for notification of Agency prior to closure of a Bif.

724.440 The incinerator rules in Part 724 now defer to the Part 720 definition of "incinerator" for their scope. "BIFs" are regulated under Part 726, rather than Part 724.

724.930(b) In the process vent rules, a cross reference has been corrected.

16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:

## POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section  
724.101 Purpose, Scope and Applicability  
724.103 Relationship to Interim Status Standards

## SUBPART B: GENERAL FACILITY STANDARDS

Section  
724.110 Applicability  
724.111 Identification Number  
724.112 Required Notices  
724.113 General Waste Analysis  
724.114 Security  
724.115 General Inspection Requirements  
724.116 Personnel Training  
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes  
724.118 Location Standards

## SUBPART C: PREPAREDNESS AND PREVENTION

Section  
724.130 Applicability  
724.131 Design and Operation of Facility  
724.132 Required Equipment  
724.133 Testing and Maintenance of Equipment  
724.134 Access to Communications or Alarm System  
724.135 Required Aisle Space  
724.137 Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
724.150 Applicability  
724.151 Purpose and Implementation of Contingency Plan  
724.152 Content of Contingency Plan  
724.153 Copies of Contingency Plan  
724.154 Amendment of Contingency Plan  
724.155 Emergency Coordinator  
724.156 Emergency Procedures



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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	
724.170	Applicability
724.171	Use of Manifest System
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**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992

## SUBPART G: CLOSURE AND POST-CLOSURE

Section 724.212 Closure Plan; Amendment of Plan

a) Written Plan.

- 1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments

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and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701. Until final closure is completed and certified in accordance with Section 724.515, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.

b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if



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applicable; and

- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
  - 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
  - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.)
  - 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.
- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written

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notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.

- 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
  - A) Changes in operating plans or facility design affect the closure plan; or
  - B) There is a change in the expected year of closure, if applicable, or
  - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan.
- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.



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- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.

## d) Notification of partial closure and final closure.

- 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

- 2) The date when the owner or operator "expects to begin closure" must be either:

- a) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all

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applicable permit requirements, the Agency shall approve an extension to this one-year limit. Or,

- B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner-operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.

- 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 16 Ill. Reg. 9833, effective June 9, 1992)

## SUBPART 0: INCINERATORS

## Section 724.440 Applicability

- a) The regulations in this Subpart apply to owners and



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operators of facilities that incinerate hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise. The following facility owners and operators are considered to incinerate hazardous waste:

- 1) ~~Owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110) and~~
- 2) ~~Owners or operators who burn hazardous waste in boilers or in industrial furnaces in order to destroy them, or who burn hazardous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this Subpart.~~

b) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste analysis) and Section 724.451 (Closure):

- 1) If the Agency finds that the waste to be burned is:
  - A) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
  - B) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
  - C) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or
  - D) A hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code

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721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

- 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, which would reasonably be expected to be in the waste.

c) If the waste to be burned is one which is described by subsections (b)(1)(A), (b)(1)(B), (b)(1)(C) or (b)(1)(D), above, and contains insignificant concentrations of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart, except Section 724.441 (Waste analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

d) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short term and incinerator permits).

(Source: Amended at 16 Ill. Reg. 9833, effective June 9, 1992)

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

## Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and 724.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:
  - 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or



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- 2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.
- c) If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 16 Ill. Reg. 9833, effective June 9, 1992)

## Section 724.935 Recordkeeping requirements

## a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

## b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation

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schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

- 2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including:
  - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
  - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.
- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:
  - A) A description of how it is determined that the planned test is going to be conducted



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When the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

- B) A detailed engineering description of the closed-vent system and control device including:
  - i) Manufacturer's name and model number of control device.
  - ii) Type of control device.
  - iii) Dimensions of the control device.
  - iv) Capacity.
  - v) Construction materials.
- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- 4) Documentation of compliance with Section 724.933 must include the following information:
  - A) A list of all information references and sources used in preparing the documentation.
  - B) Records, including the dates of each compliance test required by Section 724.933(k).
  - C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design

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information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) below, may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).
- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations,



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flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis

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reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified



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below:

- A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.
- B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b) (4) (C) (i), above.
- C) For a catalytic vapor incinerator, any period when:
- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b) (4) (C) (ii), above; or
  - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b) (4) (C) (ii), above.
- D) For a boiler or process heater, any period when:
- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b) (4) (C) (iii), above; or
  - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b) (4) (C) (iii), above.
- E) For a flare, period when the pilot flame is not ignited.

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- F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b) (4) (C) (v), above.
- G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b) (4) (C) (v), above.
  - ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b) (4) (C) (v), above.
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b) (4) (C) (vi), above.
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b) (4) (C) (vi), above.



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above.

- 5) Explanation for each period recorded under subsection (c)(4) above, of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records:
  - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
  - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (8) above, need be kept only 3 years.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 16 Ill. Reg. 9833, effective June 9, 1992)

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- 1) Heading of the Part: STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

2) Code Citation: 35 Ill. Adm. Code 726

3) Section Numbers: Adopted Action:

726.130,	726.131,	726.132	Repealed
726.133,	726.134,	726.135	Repealed
726.140			Amended
726.200,	726.201,	726.202	New Section
726.203,	726.204,	726.205	New Section
726.206,	726.207,	726.208	New Section
726.209,	726.210,	726.211	New Section
726.212,	726.219,	Appendix A	New Section
	Appendix B,	Appendix C	New Section
	Appendix D,	Appendix E	New Section
	Appendix F,	Appendix G	New Section
	Appendix H,	Appendix I	New Section
	Appendix J,	Appendix K	New Section
	Appendix L,	Table A	New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$ , pars. 1007.2, 1022.4 and 1027.

5) Effective Date of Amendments: June 9, 1992

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this amendment contain incorporations by reference?

Yes. Section 726.103(b) and Appendices I and J incorporate rules and regulations of agencies of the United States, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

8) Date Filed in Agency's Principal Office: Orders of April 9 and May 21, 1992

9) Notice(s) of Proposal Published in Illinois Register: January 17, 1992; 16 Ill. Reg. 1148

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?

Section 22.4(a) of the Environmental Protection Act provides



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that this matter is not subject to first notice or to second notice review by JCAR.

11) Difference(s) between proposal and final version:

Several editorial changes have been made throughout the rules:

- " ) - ( " and " ) - ( " have been changed to " ) through ( " .
- " above " or " below " has been inserted after each " subsection " reference.

The following specific changes have been made to the Proposal:

Section	Difference
Table of Contents	Entry for Section 726.App B corrected to read: "Tier I Feed Rate Screening Limits for Total Chlorine"
726.135	In Section heading, " of or "
726.200(c) (3)	"baghouse gas bags"
726.200(g)	Definition of "SSU" extensively revised.
	Definition of "TESH" moved.
726.202(a) (2) (D)	Hyphen changed to "through"
726.202(e) (2) (A)	"on a case-by-case basis for each hazardous waste burned as these 1 which conditions must be demonstrated (in a trial burn or by alternative data as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a); or, as these special operating requirements..."
726.202(e) (4) (A)	Reference to Section 726.206(b) or (e) reworded.
726.202(e) (6) (D) (iii)	"this subsection (e)"

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726.203(a) (1) (B)

Revised to read: "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b), incorporated by reference in subsection (b), below; provided, however, that USEPA has not determined that the certification is invalid."

726.203(c) (3) (A)

In the final line, "this subsection (c)."

726.203(c) (3) (B) (ii)

"testing under this subsection (c) (3)"

726.203(c) (8)

Subsection label corrected to read "8".

726.204(e)

"450 - through 750"

726.206(b) (7) (E)

Proposed subsection dropped.

726.206(c) (4)

"provided by this subsection (c):"

726.209(a) (2) (D) (ii)

Narrative text revised to formula format.

726.211(c) (5) (A)

"dry disconnect couplings"

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-13, on April 9, 1992, and a Supplemental Opinion and Order on May 21, 1992. A copies are available from the address below.



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Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 726 sets management standards for specific types of hazardous waste and specific types of facilities. The existing standards include Subparts for certain types of recycling, including used batteries and precious metals recovery, and for used oil. The major change concerns standards for burning hazardous waste in boilers and industrial furnaces (BIFs).

Part 726 is drawn from 40 CFR 266, which was amended with the BIF rules in the February 21, 1991, Federal Register. The USEPA rules were also corrected in the July 17, August 27 and September 5, 1991, Federal Registers. These corrections are reflected in this action.

726.130 Existing Subpart D is replaced by a new Subpart H.

726.200 Subpart H applies to BIFs burning hazardous waste for energy recovery or destruction, or processing for materials recovery or as an ingredient. The basic applicability terms are defined in Part 720 above.

726.200(a) This grants a stay of the applicability to coke ovens processing coke oven by-

products exhibiting the toxicity characteristic.

726.200(g) The Board has collected in this subsection abbreviations and definitions implied by, but not stated in, the USEPA rules. Definition of "SSU" revised to reference ASTM D88 and D2161, incorporated by reference in 35 Ill. Adm. Code 720.111.

726.201 This specifies which portions of the generator, transporter and storage facility rules apply prior to burning in a BIF.

726.202(a)(2) The State of Illinois and the federal government" are exempt from the financial assurance requirement.

726.202(b)(1) Waste must "provide all information ... to enable the Agency to prescribe such permit conditions as necessary to protect human health and the environment".

726.202(c) Requires the operator to comply with the emissions standards in the following Sections.

726.202(e)(6)(D) The BIF unit must operate under trial burn conditions.

Subsection (e)(6)(D)(ii) provides that industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

726.202(e)(7)(B) USEPA rule allows the State to limit the number of cutoffs per an operating period on a case-by-case basis, but provides no criteria. The Board has therefore not allowed such limits.



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726.202(e)(7)(C) A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste... deviate from the limits as specified in the permit.

726.203 This Section establishes "interim status standards" for existing BIFs pending issuance of a RCRA permit.

As adopted, "existing" facility includes facilities for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b).

726.203(a)(1)(C) A facility which has a hazardous waste management unit, other than the BIF, for which it already has a permit or interim status, has to proceed by way of modification of the facility permit, instead of by the initial application procedures generally specified.

726.203(b) 40 CFR 266.103(b) governs the "certification of precompliance" requirement for interim status. The Board has merely referenced the USEPA rules. The certification of precompliance was due on August 21, 1991, which has already passed.

726.203(c) This governs the "certification of compliance", which is generally due by August 21, 1992. The Board has adopted these rules. This will mean that a certification of compliance will have to be directed to IEPA.

726.203(c)(7)(B) Procedures for case-by-case extensions for the compliance times for the certification of compliance moved to Section 726.219.

726.204(a)(1) This Section sets standards for organic emissions, including a "destruction and removal efficiency" ("DRE") standard for "principal organic hazardous constituents" ("POHCs"). The Board has

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simplified the formula to avoid future errors.

726.204(a)(2) The Agency selects the POHCs based on the hazardous constituents list in 35 Ill. Adm. Code 721.Appendix H [40 CFR 261, App. VIII] and the constituents present in the waste feed.

726.204(c)(1) Alternative carbon monoxide standard.

726.204(f) Alternative hydrocarbon (HC) emission limit. Board has referenced Section 703.232(d) for the procedural context.

726.205 This Section sets particulate matter emissions standards.

726.206 This Section specifies emissions standards for metals.

726.206(b)(1) Deals with "noncarcinogenic metals", which are implicitly defined as "antimony, barium, lead, mercury, thallium and silver".

726.206(b)(2) Deals with "carcinogenic metals", which are implicitly defined as "arsenic, cadmium, beryllium and chromium".

726.206(b)(7) Language deleted from proposal providing for "Tier III" limits if the State Director determines that standards based on site-specific dispersion modeling are required.

726.207 Emission standards emission standards for hydrogen chloride and chlorine gas.

726.208 This Section creates an exemption for on-site burning by small quantity generators. Facilities must notify IEPA, as well as USEPA.

726.209 This Section establishes a "low risk waste exemption" from the DRE and particulate matter standards. The BIF must primarily burn fossil or similar fuel.



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726.210

This Section provides a "waiver" of DRE trial burn for Boilers. The "waiver" is a permit-type decision in which the Agency applies an alternative set of Board regulations after reviewing a technical submission in a permit application.

726.211(d)(2)

40 CFR 266.111(d)(2) was substantially amended in the August 27 corrections. This added a reference to NFPA 30, the "Flammable and Combustible Liquids Code". The Board has cited to the preexisting reference in 35 Ill. Adm. Code 720.111.

726.212

This Section governs residues from BIFs.

726.219

This Section was drawn from 40 CFR 266.103(c)(7)(ii). This Section allows a case-by-case extension of time to file the certification of compliance pursuant to Section 726.203(c). The variance procedures of Title IX of the Act are an appropriate procedural mechanism for granting a temporary extension of a compliance deadline.

App. A

This gives Tier I and II Feed Rate and Emissions Screening Limits

App. B and C

These give screening limits for chlorine and chloride.

App. D

This specifies "RAC", the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart.

App. E

This specifies the acceptable ambient level for the carcinogenic metals for purposes of this Subpart.

App. F

This gives the stack plume rise, which is used in the formula for TESH in Section 726.206(b)(3).

App. G

This Appendix is used, in Section 726.212, in connection with the exclusion of certain BIF residues from

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regulation as hazardous wastes.

App. H

This lists Potential PICs, which are used in connection with the residue exclusions in Section 726.212.

App. I and J

These reference two USEPA documents: "Methods Manual for Compliance with BIF Regulations" and "Guideline on Air Quality Models (Revised)". These and the following Appendices are derived from the USEPA corrections.

App. K and L

These list the types of lead-bearing hazardous waste which can be introduced into a lead smelter, and types of nickel or chromium-bearing materials in Nickel-Chromium Recovery Furnaces, which are exempt from the BIF rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:



## POLLUTION CONTROL BOARD

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE  
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A MANNER  
CONSTITUTING DISPOSAL

## Section

- 726.120 Applicability
- 726.121 Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
- 726.122 Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
- 726.123 Standards applicable to users of materials that are used in a manner that constitutes disposal

## SUBPART D: HAZARDOUS WASTE-BURNED FOR ENERGY RECOVERY

## Section

- 726.130 Applicability (Repealed)
- 726.131 Prohibitions (Repealed)
- 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
- 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
- 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
- 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
- 726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

## SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

## Section

- 726.140 Applicability
- 726.141 Prohibitions
- 726.142 Standards applicable to generators of used oil burned for energy recovery
- 726.143 Standards applicable to marketers of used oil burned for energy recovery
- 726.144 Standards applicable to burners of used oil burned for energy recovery

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SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL  
RECOVERY

## Section

- 726.170 Applicability and requirements

## SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

## Section

- 726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
AND INDUSTRIAL FURNACES

## Section

- 726.200 Applicability
- 726.201 Management prior to burning
- 726.202 Permit standards for burners
- 726.203 Interim status standards for burners
- 726.204 Standards to control organic emissions
- 726.205 Standards to control PM
- 726.206 Standards to control metals emissions
- 726.207 Standards to control HCl and chlorine gas emissions
- 726.208 Small quantity on-site burner exemption
- 726.209 Low risk waste exemption
- 726.210 Waiver of DRE trial burn for boilers
- 726.211 Standards for direct transfer
- 726.212 Regulation of residues
- 726.219 Extensions of time

726. Appendix A Tier I and Tier II Feed Rate and Emissions  
Screening Limits for Metals726. Appendix B Tier I Feed Rate Screening Limits for Total  
Chlorine726. Appendix C Tier II Emission Rate Screening Limits for Free  
Chlorine and Hydrogen Chloride

## 726. Appendix D Reference Air Concentrations

## 726. Appendix E Risk Specific Doses

## 726. Appendix F Stack Plume Rise

726. Appendix G Health-Based Limits for Exclusion of Waste-Derived  
Residues726. Appendix H Potential PICs for Determination of Exclusion of  
Waste-Derived Residues

## 726. Appendix I Methods Manual for Compliance with BIF Regulations

## 726. Appendix J Guideline on Air Quality Models

726. Appendix K Lead-Bearing Materials That May be Processed in  
Exempt Lead Smelters726. Appendix L Nickel or Chromium-Bearing Materials that may be  
Processed in Exempt Nickel-Chromium Recovery  
Furnaces

## 726. Table A

Exempt Quantities for Small Quantity Burner  
Exemption



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**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992.

## SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

## Section 726.130 Applicability (Repealed)

- a) ~~The regulations of this Subpart apply to hazardous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under 35 Ill. Adm. Code 724 or 725-Subpart 0 except as provided by subsection (b). Such hazardous wastes burned for energy recovery are termed "hazardous waste fuel". Fuel produced from hazardous waste processing by blending or other treatment is also hazardous waste fuel. (The regulations do not apply, however, to gas recovered from hazardous waste management activities when such gas is burned for energy recovery).~~

- b) ~~The following hazardous wastes are not regulated under this Subpart:~~

- 1) ~~Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C. Such used oil is subject to regulation under Subpart E rather than this Subpart; and~~

- 2) ~~Hazardous wastes that are exempt from regulation under the provisions of 35 Ill. Adm. Code 721-104 and 721-106(a)(3)(E) through (I) and hazardous wastes that are subject to the special requirements for small quantity generators under the provisions of 35 Ill. Adm. Code 721-105.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

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## Section 726.131 Prohibitions (Repealed)

- a) ~~A person may market hazardous waste fuel only:~~

- 1) ~~To persons who have notified USEPA of their hazardous waste fuel activities and have a USEPA identification number (35 Ill. Adm. Code 722.112); and~~
- 2) ~~If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in subsection (b).~~
- b) ~~Hazardous waste fuel may be burned for energy recovery in only the following devices:~~

- 1) ~~Industrial furnaces identified in 35 Ill. Adm. Code 720.110;~~
- 2) ~~Boiler, as defined in 35 Ill. Adm. Code 720.110 that are identified as follows:~~

- A) ~~Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or~~

- B) ~~Utility boilers used to produce electric power, steam or heated or cooled air or other gases or fluids for sale.~~

- e) ~~No fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless such kiln fully complies with regulations under 35 Ill. Adm. Code 702, 703, 724 and 725 that are applicable in incinerators.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)



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- a) ~~Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to 35 Ill. Adm. Code 722.7~~
- b) ~~Generators who market hazardous waste fuel to a burner also are subject to Section 726.134.7~~
- e) ~~Generators who are burners also are subject to Section 726.135.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)

~~Transporters of hazardous waste fuel (and hazardous waste that is used to produce a fuel) are subject to the 35 Ill. Adm. Code 722.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)

~~Persons who market hazardous waste fuel are called "marketers", and are subject to the following requirements. Marketers include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process or blend hazardous waste fuel from these hazardous wastes and persons who distribute but do not process or blend hazardous waste fuel.~~

- a) ~~Prohibitions. The prohibitions under Section 726.131(a).7~~

- b) ~~Notification. Notification of hazardous waste fuel activities. Even if a marketer has previously notified USEPA of the marketer's hazardous waste management activities and obtained a USEPA identification number, the marketer shall renotify to identify the marketer's hazardous waste fuel activities.~~

- e) ~~Storage. The applicable provisions of 35 Ill. Adm. Code 702.703, 722.134, 724. Subparts A through I and 725. Subparts A through I.~~

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- d) ~~Off-site shipment. The standards for generators in 35 Ill. Adm. Code 722 when a marketer initiates a shipment of hazardous waste fuel.~~

- e) ~~Required notices.~~

- 1) ~~Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:~~

A) ~~The burner or marketer has notified USEPA and identified the burner or marketer's waste as fuel activities; and~~

B) ~~If the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in 35 Ill. Adm. Code 726.131(b).7~~

- 2) ~~Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the marketer shall provide the other marketer with a one-time written and signed certification that the marketer has notified USEPA under Section 3010 of the Resource Conservation and Recovery Act and identified the marketer's hazardous waste fuel activities; and~~

- f) ~~Recordkeeping. In addition to the applicable recordkeeping requirements of 35 Ill. Adm. Code 722, 724 and 725, a marketer shall keep a copy of each certification notice the marketer receives or sends for three years from the date the marketer last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)

~~Owners and operators of industrial furnaces and boilers identified in Section 726.131 (b) that burn hazardous waste fuel are "burners" and are subject to the following requirements:~~



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- a) ~~Prohibitions. The prohibitions under section 726.131(b).~~
- b) ~~Notification. Notification of hazardous waste fuel activities. Even if a burner has previously notified USEPA of the burner's hazardous waste management activities and obtained a USEPA identification number, the burner shall renotify to identify the burner's hazardous waste fuel activities.~~
- e) ~~Storage.~~
- 1) ~~For short term accumulation by generators who burn their hazardous waste fuel on site, the applicable provisions of 35 Ill. Adm. Code 722.134.~~
- 2) ~~For existing storage facilities, the applicable provisions of 35 Ill. Adm. Code 702, 703 and 725-Subparts A through I, and~~
- 3) ~~For new storage facilities, the applicable provisions of 35 Ill. Adm. Code 702, 703 and 724-Subparts A through I.~~
- d) ~~Required notices. Before a burner accepts the first shipment of hazardous waste fuel from marketer, the burner shall provide the marketer a one-time written and signed notice certifying that:~~
- 1) ~~The burner has notified USEPA and identified the burner's waste as fuel activities; and~~
- 2) ~~The burner will burn the fuel only in a boiler or furnace identified in Section 726.131(b).~~
- e) ~~Recordkeeping. In addition to the applicable recordkeeping requirements of 35 Ill. Adm. Code 724 and 725 a burner shall keep a copy of each certification notice that the burner sends to a marketer for three years from the date the burner last receives hazardous waste fuel from that marketer.~~

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY  
Section 726.140 Applicability

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- a) The regulations of this Subpart apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under 35 Ill. Adm. Code 724. or 725. Subpart O, except as provided by subsection (c) and (e), below. Such used oil is termed "used oil fuel". Used oil fuel includes any fuel produced from used oil by processing, blending or other treatment.
- b) "Used oil" means any oil that has been refined from crude oil, used and, as a result of such use, is contaminated by physical or chemical impurities.
- c) Except as provided by subsection (d), below, used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Subpart DH. Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721. Subpart H).
- d) Used oil burned for energy recovery is subject to regulation under this Subpart rather than as hazardous waste fuel under Subpart DH if it is a hazardous waste solely because it:
- 1) Exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C, provided that it is not mixed with a hazardous waste; or
  - 2) Contains hazardous waste generated only by a person subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105.
- e) Except as provided by subsection (c), above, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is subject to regulation under this Subpart unless it is shown not to exceed any of the allowable level of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the



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specification is subject only to the analysis and recordkeeping requirements under Section 726.143(b)(1) and (b)(6). Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel".

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SUBPART WHEN BURNED FOR ENERGY RECOVERY

Constituent/Property	Allowable Level
Arsenic	5 ppm max
Cadmium	2 ppm max
Chromium	10 ppm max
Lead	100 ppm max
Flash Point	100 degree F min
Total Halogens	4000 ppm max

1) The specification does not apply to used oil or fuel mixed with a hazardous waste other than small quantity generated hazardous waste.

2) Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under subsection (c) above. Such used oil is subject to Subpart D rather than this Subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(Source: Amended at 16 Ill. Reg. 9858, effective June 9, 1992)

#### SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

##### Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d) and (f), below. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 apply to facilities operating under

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interim status or under a RCRA permit as specified in Sections 726.202 and 726.203.

BOARD NOTE: This provision does not apply to coke ovens processing coke by-products wastes exhibiting the toxicity characteristic identified in 35 Ill. Adm. Code 721.124 pending completion of a rulemaking proposed by USEPA on July 26, 1991 (56 Fed. Reg. 35787). When that rulemaking is complete, this note will be removed.

b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.106(a)(3)(E) through (H), and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and this Subpart;

2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;

3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(E) through (H), and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and

4) Coke ovens, if the only hazardous waste burned is USEPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

c) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces, but not including cement kilns, aggregate kilns or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a



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metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3), below:

- A) Provide a one-time written notice to the Agency indicating the following:
- i) The owner or operator claims exemption under this subsection;
  - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2), below;
  - iii) The hazardous waste contains recoverable levels of metals; and
  - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.

- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

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A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H, exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above; or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C), above.

3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns a baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1), above. The owner or operator shall comply with the requirements of subsection (c)(1), above, for those wastes claimed to be exempt under that subsection and shall comply with the requirements below for those wastes claimed to be exempt under this subsection.

- A) The hazardous wastes listed in Appendices K and L and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1), above, provided that:



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- i) A waste listed in Appendix K must contain recoverable levels of lead. A waste listed in Appendix L must contain recoverable levels of nickel or chromium and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal; and
- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent; and
- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D because it is listed for an organic constituent as identified in 35 Ill. Adm. Code 721. Appendix G; and
- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3), above, and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B), above, and records to document compliance with subsection (c)(3), above, must be kept for at least three years.

B) The Agency may decide on a case-by-case basis that the toxic organic constituents in a material listed in Appendix K or L that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721. Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material; and
  - ii) The level of destruction of toxic organic constituents provided by the furnace; and
  - iii) Whether the acceptable ambient levels established in Appendices D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
  - e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
  - f) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium or ruthenium, or any combination of these, are conditionally exempt from regulation under this Subpart except for Section 726.212. To be exempt from Sections 726.202 through 726.211 an owner or operator shall:
    - 1) Provide a one-time written notice to the Agency indicating the following:
      - A) The owner or operator claims exemption under this section;
      - B) The hazardous waste is burned for legitimate recovery of precious metal; and
      - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this section



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- 2) Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- 3) Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:
- "APCS" means air pollution control system.
- "BIF" means boiler or industrial furnace.
- "Carcinogenic metals" means arsenic, beryllium, cadmium and chromium.
- "CO" means carbon monoxide.
- "Continuous monitor" is a monitor which continuously samples the regulated parameter without interruption, and evaluates the detector response at least once each 15 seconds, and computes and records the average value at least every 60 seconds.
- "DRE" means destruction or removal efficiency.
- "cu m" means cubic meters.
- "E" means "ten to the". For example, "XE-Y" means "X times ten to the -Y power".
- "Feed rates" are measured as specified in Section 726.202(e)(6).

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- "Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.
- "HC" means hydrocarbon.
- "HCl" means hydrogen chloride gas.
- "Hourly rolling average" means the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.
- "K" means Kelvin.
- "kVA" means kilovolt amperes.
- "MEI" means maximum exposed individual.
- "MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.
- "Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium and silver.
- "One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour
- "PIC" means product of incomplete combustion.
- "PM" means particulate matter.
- "POHC" means principal organic hazardous constituent.
- "ppmv" means parts per million by volume.
- "QA/QC" means quality assurance and quality control.
- "Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.
- "RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic



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metals for purposes of this Subpart. RACs are specified in Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E.

"SSU" means "Savbolt Seconds Universal", a unit of viscosity measured by ASTM D88 or D2161, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzop-p-dioxin and Dibenzofuran Congeners" in Appendix I ("eye").

"ug" means microgram.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.201 Management prior to Burning

- a) Generators. Generators of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 722.
- b) Transporters. Transporters of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 723.
- c) Storage facilities.
  - 1) Owners and operators of facilities that store hazardous waste that is burned in a BIF are subject to the applicable provisions of 35 Ill.

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Adm. Code 724. Subparts A through L, 35 Ill. Adm. Code 725. Subparts A through L and 35 Ill. Adm. Code 702 and 703, except as provided by subsection (c)(2), below. These standards apply to storage by the burner as well as to storage facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

- 2) Owners and operators of facilities that burn in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that they generate are exempt from regulation under 35 Ill. Adm. Code 724. Subparts A through L, 35 Ill. Adm. Code 725. Subparts A through L and 35 Ill. Adm. Code 702 and 703 with respect to the storage of mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in subsection (c)(1), above.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.202 Permit standards for Burners

- a) Applicability.

- 1) General. Owners and operators of BIFs burning hazardous waste and not operating under interim status shall comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt under the small quantity burner exemption of Section 726.208.

- 2) Applicability of 35 Ill. Adm. Code 724 standards. Owners and operators of BIFs that burn hazardous waste are subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart:

- A) In Subpart A (General), 724.104:
- B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118:



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- C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;
- D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;
- E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;
- F) In Subpart F (Corrective Action), 35 Ill. Adm. Code 724.190 and 724.201;
- G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;
- H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243 and 724.247 through 724.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 724.243 and 724.247;
- I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous waste analysis.

- 1) The owner or operator shall provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in 35 Ill. Adm. Code 721. Appendix H that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by analytical procedures prescribed by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111). Alternative methods that meet or exceed the method performance capabilities of SW-846 methods may be used. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method. The 35 Ill. Adm. Code 721. Appendix H constituents excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by

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- this Subpart and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as necessary to protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart, as a portion of the trial burn plan that may be submitted before the Part B application under provisions of 35 Ill. Adm. Code 703.232(g) as well as any other analysis required by the Agency. Owners and operators of BIFs not operating under the interim status standards shall provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.
- 2) Throughout normal operation, the owner or operator shall conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.
- c) Emissions standards. Owners and operators shall comply with emissions standards provided by Sections 726.204 through 726.207.
- d) Permits.
- 1) The owner or operator shall burn only hazardous wastes specified in the facility permit and only under the operating conditions specified under subsection (e), below, except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.
- 2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.208.
- 3) BIFs operating under the interim status standards of Section 726.203 are permitted under procedures provided by 35 Ill. Adm. Code 703.232(g).



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4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), below, in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206 or Section 726.207. The Agency shall extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan:

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to

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ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

## e) Operating requirements.

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to ensure compliance with the organic emissions standards.

A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified either: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a); or, as special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived under Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste which will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions as appropriate:

1) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6), below:



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- ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6), below;
- iii) Appropriate controls of the hazardous waste firing system;
- iv) Allowable variation in BIF system design or operating procedures;
- v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured and specified as prescribed in subsection (e)(6), below;
- vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), below, unless documentation is provided under 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and
- vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.
- B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e) and (f). The permit limits must be specified as follows:
- i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;
- ii) When complying with the alternative CO standard under Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for

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- HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f).
- iii) When complying with the alternative HC limit for industrial furnaces under Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.
- C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements under Sections 726.204(a)(5), 726.205, 726.206 and 726.207) must not be fed into the device unless the device is operating within the conditions of operation specified in the permit.
- 3) Requirements to ensure conformance with the particulate matter (PM) standard.
- A) Except as provided in subsections (e)(3)(B) and (C), below, the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:
- i) Total ash feed rate to the device from hazardous waste, other fuels and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6), below;
- ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6), below;
- iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);



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- iv) Allowable variation in BIF system design including any APCS or operating procedures; and
- v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.211(b) is met.
- B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard under Section 726.205(b).
- C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.
- 4) Requirements to ensure conformance with the metals emissions standard.
- A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:
- i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified under provisions of subsection (e)(6), below;
- ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6), below;
- iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;
- B) For conformance with the Tier II metals emission rate screening limits under Section 726.206(c) and the Tier III metals controls under Section 726.206(d), the permit must specify the following operating requirements:

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- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
- ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A), below;
- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6), below: total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;
- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6), below;
- v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6), below;
- vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6), below;
- vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6), below;
- viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;
- ix) Allowable variation in BIF system design including any APCS or operating procedures; and
- x) Such other operating requirements as are necessary to ensure that the metals



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standards under Sections 726.206(c) or (d) are met.

- C) For conformance with an alternative implementation approach approved by the Agency under Section 726.206(f), the permit must specify the following operating requirements:
- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
  - ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A), below;
  - iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6), below: total hazardous waste feed; and total pumpable hazardous waste feed;
  - iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6), below;
  - v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6), below;
  - vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6), below;
  - vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6), below;
  - viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

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- ix) Allowable variation in BIF system design including any APCS or operating procedures; and
  - x) Such other operating requirements as are necessary to ensure that the metals standards under Sections 726.206(c) or (d) are met.
- 5) Requirements to ensure conformance with the HCl and chlorine gas standards. \_\_\_\_\_
- A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:
    - i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6), below;
    - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6), below;
    - iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;
  - B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits under Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls under Section 726.207(c), the permit must specify the following operating requirements:
    - i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;
    - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6), below;



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iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6), below:

over all valid test runs of the highest hourly rolling average value for each run.

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6), below:

B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(g)) and lead must be established either on an hourly rolling average basis as prescribed by subsection (e)(6)(A), above, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours:

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCs:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

vi) Allowable variation in BIF system design including any APCs or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards under Section 726.207(b)(2) or (c) are met.

ii) Terms are as defined in Section 726.200(g); and

6) Measuring parameters and establishing limits based on trial burn data.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

A) General requirements. As specified in subsections (e)(2) through (e)(5), above, each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:

i) Instantaneous limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (e)(6)(A) and (B), above.

ii) Hourly rolling average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The permit limit for the parameter must be established based on trial burn data as the average

D) Conduct of trial burn testing.

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to



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demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

- ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

- iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

## 7) General requirements.

- A) Fugitive emissions. Fugitive emissions must be controlled by:
  - i) Keeping the combustion zone totally sealed against fugitive emissions; or
  - ii) Maintaining the combustion zone pressure lower than atmospheric pressure; or
  - iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

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- B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established under this Section. In addition:

- i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber.
- ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and
- iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency shall establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

- C) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

## 8) Monitoring and Inspections.

- A) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:
  - i) If specified by the permit, feed rates and composition of hazardous waste, other fuels and industrial furnace



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feedstocks, and feed rates of ash, metals and total chlorine and chloride;

- ii) If specified by the permit, CO, HCs and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B) above. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Appendix I ("eye").

- iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.

- B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

- C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.

- D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

- E) These monitoring and inspection data must be recorded and the records must be placed in

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the operating record required by 35 Ill. Adm. Code 724.173.

- 9) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator shall comply with Section 726.211.

- 10) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the facility.

- 11) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.203 Interim status standards for Burners

- a) Purpose, scope, applicability.

1) General.

- A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

- B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to 40 CFR 266.103(b), incorporated by reference in subsection (b), below; provided, however, that USEPA has not determined that the certification is invalid.



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- C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator shall comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.1280 or changes in interim status in 35 Ill. Adm. Code 703.155.
- 2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Sections 726.200(b) or 726.208.
- 3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027.
- 4) Applicability of 35 Ill. Adm. Code 725 standards. Owners and operators of BIFs that burn hazardous waste and are operating under interim status are subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
- A) In Subpart A (General), 35 Ill. Adm. Code 725.104;
  - B) In Subpart B (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
  - C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
  - D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
  - E) In Subpart E (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;
  - F) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;

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- G) In Subpart H (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243 and 725.247 through 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 725.247 and 725.251.
- H) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).
- 5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B), above) at any location other than the hot end where products are normally discharged or where fuels are normally fired:
- A) Controls.
    - i) The hazardous waste must be fed at a location where combustion gas temperatures are at least 1800 °F;
    - ii) The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;
    - iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
    - iv) The HC controls of Section 726.204(f) or subsection (c)(5), below, apply upon certification of compliance under subsection (c), below, irrespective of the CO level achieved during the compliance test.
  - B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of these criteria:



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i) The hazardous waste has a total concentration of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.

6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c), below, owners and operators shall not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that:

A) Hazardous waste may be burned solely as an ingredient; or

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B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours; or

C) Such waste may be burned if the Agency has documentation to show that, prior to August 21, 1991:

i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, 35 Ill. Adm. Code 725.Subparts O or P; and

ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for 35 Ill. Adm. Code 725.Subparts O or P; and

iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.

7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator shall comply with Section 726.211.

b) Certification of precompliance.

1) The Board incorporates by reference 40 CFR 266.103(b), adopted at 56 Fed. Reg. 7206, February 21, 1991; 56 Fed. Reg. 32688, July 17, 1991; and 56 Fed. Reg. 42511, August 27, 1991. This Section incorporates no later editions or amendments.

2) Certain owners and operators were required to file a certification of precompliance with USEPA by August 21, 1991, pursuant to 40 CFR 266.103(b). No separate filing is required with the Agency.



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C) Certification of compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv), above, under the procedures prescribed by this subsection, except under extensions of time provided by subsection (c)(7), below. Based on the compliance test, the owner or operator shall submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4), below) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1), below.

1) Limits on operating conditions. The owner or operator shall establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D), below) and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Section 726.204(b) through (e), 726.205, 726.206, 726.207 and subsection (a)(5)(A)(iv), above, at all times when there is hazardous waste in the unit.

A) Feed rate of total hazardous waste and (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste:

B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces that must comply with the alternative metals implementation approach under subsection (c)(3)(B), below, must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams:

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

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iii) Total pumpable hazardous waste feed.  
C) Total feed rate of total chlorine and chloride in total feed streams:

D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

F) Maximum production rate of the device in appropriate units when producing normal product;

G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

i) Minimum liquid to flue gas ratio;



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ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

iii) Minimum pH level of the scrubber water;

J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

i) Minimum caustic feed rate; and

ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

i) Minimum electrical power in kVA to the precipitator plates; and

ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by

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subsection (c)(3), below, the owner or operator shall notify the Agency and submit the following information:

A) General facility information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number and address;

iii) Person responsible for conducting compliance test, including company name, address and telephone number, and a statement of qualifications;

iv) Planned date of the compliance test;

B) Specific information on each device to be tested including:

i) Description of BIF;

ii) A scaled plot plan showing the entire facility and location of the BIF;

iii) A description of the APCs;

iv) Identification of the continuous emission monitors that are installed, including: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system and, if the temperature is less than 150 °C, an explanation of why a heated system is not used (see subsection (c)(5), below) and a brief description of the sample gas conditioning system;

v) Indication of whether the stack is shared with another device that will be in operation during the compliance test;

vi) Other information useful to an understanding of the system design or operation.

C) Information on the testing planned, including a complete copy of the test protocol and



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QA/QC plan, and a summary description for each test providing the following information at a minimum:

- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1), above.

3) Compliance testing.

- A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b), above, and under conditions established in the notification of compliance testing required by subsection (c)(2), above. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency shall provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

- B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS shall comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

- i) The special testing requirements prescribed in "Alternative Method for

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Implementing Metals Controls" in Appendix I ("Ive"); or

- ii) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1), above) must be established during compliance testing under this subsection (c)(3) only on the following parameters: Feed rate of total hazardous waste; Total feed rate of total chlorine and chloride in total feed streams; Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; Maximum production rate of the device in appropriate units when producing normal product; or
- iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1), above, only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.



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## C) Conduct of compliance testing.

ii) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

iii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsections (c)(3)(B)(i) or (ii), above, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1), above.

4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator shall certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv), above. The certification of compliance must include the following information:

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## A) General facility and testing information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number and address;

iii) Person responsible for conducting compliance testing, including company name, address and telephone number, and a statement of qualifications;

iv) Date(s) of each compliance test;

v) Description of BIF tested;

vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary.

vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2), above, and an explanation of why the changes were necessary;

viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2), above, and an explanation of why the changes were necessary; and

ix) The complete report on results of emissions testing.

## B) Specific information on each test including:

i) Purpose(s) of test (e.g., demonstrate conformance with the emissions limits



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for PM, metals, HCl, chlorine gas and CO.

- ii) Summary of test results for each run and for each test including the following information: Date of run; Duration of run; Time-weighted average and highest hourly rolling average CO level for each run and for the test; Highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; If dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(g)); Time-weighted average PM emissions for each run and for the test; Time-weighted average HCl and chlorine gas emissions for each run and for the test; Time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

- cl) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c) and (e), 726.205, 726.206 and 726.207 and established for the facility in the certification of precompliance under subsection (b), above.
- dl) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1), above, using either of the following procedures:
- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-

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weighted average during all runs of the compliance test; or

- ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.
- iii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii), above, or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from 2 to 24 hours: The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; The continuous monitor is as defined in Section 726.200(g). And the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.
- iv) Feed rate limits for metals, total chlorine and chloride and ash. Feed rate limits for metals, total chlorine and chloride and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (iii), above.



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- E) Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manages the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Sections 726.204(c) or subsection (a)(5)(A)(iv), above, a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I ("eye") provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7), below.
- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCs must:

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- A) When complying with the requirements of subsection (c)(3)(B)(i), above, comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Appendix I ("eye"); and
- B) When complying with the requirements of subsection (c)(3)(B)(ii), above, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
- A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 by August 21, 1992, the owner or operator shall either:
- i) Stop burning hazardous waste and begin closure activities under subsection (l), below, for the hazardous waste portion of the facility; or
  - ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or
  - iii) Obtain a case-by-case extension of time under subsection (c)(7)(B), below.
- B) Case-by-case extensions of time. See Section 726.219.
- 8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:



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**A)** Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207.

**B)** At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Agency and submit the following information:

- i) USEPA facility ID number, and facility name, contact person, telephone number and address;
- ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
- iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 are not likely to be exceeded. To document this determination, the owner or operator shall submit the applicable information required under subsection (b)(2), above; and
- iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 when operating under revised operating conditions. The protocol shall include a schedule of pre-testing and compliance testing. If the owner

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and operator revises the scheduled date for the compliance test, the owner or operator shall notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

- C)** Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207; and
- D)** Submit a revised certification of compliance under subsection (c)(4), above.

**d)** Periodic Recertifications. The owner or operator shall conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c), above, within three years from submitting the previous certification of recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator shall comply with the requirements of subsection (c)(8), above.

**e)** Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c) and (d), above, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (1), below, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (1), below, and 35 Ill. Adm. Code 725.212(d)(2) and 725.213 the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

**f)** Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.



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- g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3), above, and upon certification of compliance under subsection (c), above, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (E) through (M), above, deviate from those established in the certification of compliance. In addition:
- 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either:
    - A) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
    - B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
  - 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled by:
- 1) Keeping the combustion zone totally sealed against fugitive emissions; or
  - 2) Maintaining the combustion zone pressure lower than atmospheric pressure; or

- 3) An alternate means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.
- 1) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.
- 1) Monitoring and Inspections.
  - 1) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:
    - A) Feed rates and composition of hazardous waste, other fuels and industrial furnace feedstocks, and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
    - B) CO, oxygen and, if applicable, HC, on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Appendix I ("eve").
    - C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.



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2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.

3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.

k) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.

l) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and shall comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.204 Standards to control Organic Emissions

a) DRE standard.

1) General. Except as provided in subsection (a)(3), below, a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2), below) in its

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permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100(I - O)/I$$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

2)

Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in 35 Ill. Adm. Code 721. Appendix H that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code 721. Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each POHC designated (under subsection (a)(2), above) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1), above. In addition, the owner or operator of the BIF shall notify the

3)



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Agency of intent to burn USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.

4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.

5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1), above, and are exempt from the DRE trial burn.

## b) CO standard.

1) Except as provided in subsection (c), below, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7 percent oxygen, dry gas basis.

2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I ("eye").

3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

## c) Alternative CO standard.

1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by

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subsection (f), below, for certain industrial furnaces.

2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7 percent oxygen, dry gas basis.

3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I ("eye"). CO and oxygen must be continuously monitored in conformance with subsection (b)(2), above.

4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to 7 percent oxygen, dry gas basis.

d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsections (c), above, or (f), below, irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b), above.

e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450 through 750 °F, and industrial furnaces operating under an alternative HC limit established under subsection (f), below, shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1E-05 (1 in 100,000):



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- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins (PCDDs) and dibenzofurans (CDDs/CDFs) using Method 23. "Determination of Polychlorinated Dibenzop-p-Dioxins and Polychlorinated Dibenzofurans (PCPDFs) from Stationary Sources", in Appendix I ("eye");
  - 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzop-p-Dioxin and Dibenzofuran Congeners" in Appendix I ("eye"). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
  - 3) Conduct dispersion modeling using methods recommended in "Guideline on Air Quality Models (Revised)" or the "Hazardous Waste Combustion Air Quality Screening Procedure", which are provided in Appendices I and J, respectively, or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2), above. The maximum annual average on-site concentration must be used when a person resides on-site; and
  - 4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Appendix E (2.2E-07) must not exceed 1.0.
- f) Alternative HC limit for furnaces with organic matter in raw material. For industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in normal raw material, the Agency shall establish an alternative HC limit on a case-by-case basis (under a Part B permit proceeding) at a level that ensures that flue gas HC (and CO) concentrations when burning

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- hazardous waste are not greater than when not burning hazardous waste (the baseline HC level) provided that the owner or operator complies with the following requirements. However, cement kilns equipped with a by-pass duct meeting the requirements of subsection (g), below, are not eligible for an alternative HC limit.
- 1) The owner or operator shall demonstrate that the facility is designed and operated to minimize HC emissions from fuels and raw materials when the baseline HC (and CO) level is determined. The baseline HC (and CO) level is defined as the average over all valid test runs of the highest hourly rolling average value for each run when the facility does not burn hazardous waste, and produces normal products under normal operating conditions feeding normal feedstocks and fuels. More than one baseline level must be determined if the facility operates under different modes that generate significantly different HC (and CO) levels;
  - 2) The owner or operator shall develop an approach to monitor over time changes in the operation of the facility that could reduce the baseline HC level;
  - 3) The owner or operator shall conduct emissions testing during the trial burn to:
    - A) Determine the baseline HC (and CO) level;
    - B) Demonstrate that, when hazardous waste is burned, HC (and CO) levels do not exceed the baseline level; and
    - C) Identify the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721.Appendix H, that are emitted and conduct dispersion modeling to predict the maximum annual average ground level concentration of each organic compound. On-site ground level concentrations must be considered for this evaluation if a person resides on site.
- i) Sampling and analysis of organic emissions must be conducted using procedures prescribed by the Agency



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- pursuant to 35 Ill. Adm. Code 703.208(a).
- ii) Dispersion modeling must be conducted according to procedures provided by subsection (e)(2), above; and
- D) Demonstrate that maximum annual average ground level concentrations of the organic compounds identified in subsection (f)(3)(C), above, do not exceed the following levels:
- i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D;
- ii) For the carcinogenic compounds listed in Appendix E, the sum for all compounds of the ratios of the actual ground level concentration to the level established in Appendix E cannot exceed 1.0. To estimate the health risk from chlorinated dibenzo-p-dioxins and dibenzofuran congeners, use the procedures prescribed by subsection (e)(3), above, to estimate the 2,3,7,8-TCDD toxicity equivalence of the congeners.
- iii) For compounds not listed in Appendix D or E, 0.1 ug/cu m.
- 4) All HC levels specified under this subsection are to be monitored and reported as specified in subsections (c)(1) and (2), above.
- g) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c) and (d), above, by monitoring in the by-pass duct provided that:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
- 2) The by-pass duct diverts a minimum of 10% of kiln off-gas into the duct.

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- h) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e), above, and comprehensive organic emissions testing under subsection (f), above, is conducted.
- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.
- (Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)
- Section 726.205 Standards to control PM
- a) A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard cu m (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of 7% oxygen, using procedures prescribed in 40 CFR 60, Appendix A, methods 1 through 5 (incorporated by reference in 35 Ill. Adm. Code 720.111), and Appendix I ("eve").
- b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.
- c) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.



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(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.206 Standards to control Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f), below, for each metal listed in subsection (b), below, that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7), below.
- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the screening limits specified in Appendix A.
- A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:
- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
- ii) An instantaneous limit not to be exceeded at any time.
- B) The feed rate screening limit for lead is based on one of the following:
- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);
- ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to

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exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or

- iii) An instantaneous limit not to be exceeded at any time.

## 2) Carcinogenic metals.

- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Appendix A. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/F_i) \leq 1.0$$

where:

$\text{SUM}(X_i)$  means the sum of the values of X for each metal "i", from i = 1 to n.

n = number of carcinogenic metals

$A_i$  = actual feed rate to the device for metal "i"

$F_i$  = feed rate screening limit provided by Appendix A for metal "i".

B) The feed rate screening limits for the carcinogenic metals are based on either:

- i) An hourly rolling average; or
- ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.
- 3) TESH (terrain adjusted effective stack height).



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- A) The TESH is determined according to the following equation:

$$TESH = H + P - T$$

where:

H = Actual physical stack height (m)

P = Plume rise (in m) as determined from Appendix F as a function of stack flow rate and stack gas exhaust temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).

- C) If the TESH calculated pursuant to subsection (b)(3)(A), above, is not listed in Appendices A through C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within 5 kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendices I ("eye") or J shall be used.

- 6) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit

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subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \cdot V \cdot T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate (cu m/second); and

T = exhaust temperature (degrees K).

Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities shall comply with the Tier III standards provided by subsection (d), below.

- A) The device is located in a narrow valley less than one kilometer wide;
- B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;
- C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake;
- D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five protected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or



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five protected building widths of the associated building; or

- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.
- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7), above.

- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Appendix A.
- 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/E_i) \leq 1.0$$

where:

$\text{SUM}(X_i)$  means the sum of the values of  $X$  for each metal  $i$ , from  $i = 1$  to  $n$ .

$n$  = number of carcinogenic metals

$A_i$  = actual emission rate for metal " $i$ "

$E_i$  = emission rate screening limit provided by Appendix A for metal " $i$ ".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B).

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above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

- 4) Definitions and limitations. The definitions and limitations provided by subsection (b), above, and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.

5) Multiple stacks.

- A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

- B) The worst-case stack is determined by procedures provided in subsection (b)(6), above.

- C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.

d) Tier III site-specific risk assessment.

- 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

- 2) Acceptable ambient levels. Appendices D and E list the acceptable ambient levels for purposes of this Subpart. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1E-



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05 RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD as described in subsection (d)(3), below.

Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\text{SUM}(\text{Pi}/\text{Ri}) \leq 1.0$$

Where:

$\text{SUM}(\text{Xi})$  means the sum of the values of  $\text{X}$  for each metal  $i$ , from  $i = 1$  to  $n$ .

$n$  = number of carcinogenic metals

$\text{Pi}$  = Predicted ambient concentration for metal  $i$ .

$\text{Ri}$  = RSD for metal  $i$ .

Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.

Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during

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the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B), above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by Appendix A to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Appendices D and E using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2), above.

## f) Alternative implementation approaches.

1) Pursuant to subsection (f)(2), below, the Agency shall approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsections (c) or (d), above, alternative to monitoring the feed rate of metals in each feedstream.

2) The emission limits provided by subsection (d), above, must be determined as follows:

A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Appendix D to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and

B) For each carcinogenic metal by:

1) Back-calculating from the RSD provided in Appendix E to determine the allowable



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emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h), below; and

- ii) If more than one carcinogenic metal is emitted, selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i), above, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.

g) Emission testing.

- 1) General. Emission testing for metals must be conducted using the Multiple Metals Train as described in Appendix I ("eye").
- 2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Appendix I ("eye").

h) Dispersion modeling.

Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in Appendix J, the "Hazardous Waste Combustion Air Quality Screening Procedure" described in Appendix I ("eye"), or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (the latter document is incorporated by reference, see 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.

- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this

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Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

### Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

- a) General. The owner or operator shall comply with the HCl and chlorine gas controls provided by subsections (b) or (c), below.

- b) Screening limits.

- 1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the levels specified.

- 2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.

- 3) Definitions and limitations. The definitions and limitations provided by Section 726.200(g) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.

- 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the



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worst-case stack based on dispersion characteristics.

- A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).
- B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.
- C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.

c) Tier III site-specific risk assessments.

- 1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.

- 2) Acceptable ambient levels. Appendix D lists the RACs for HCl (7 ug/cu m) and chlorine gas (0.4 ug/cu m).

- 3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.

- d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total

chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either:

- 1) An hourly rolling average as defined in Section 726.200(g) and 726.202(e)(6); or
- 2) An instantaneous basis not to be exceeded at any time.
- e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Appendix B to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.
- f) Emissions testing. Emissions testing for HCl and chlorine gas must be conducted using the procedures described in Appendix I ("eye").
- g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.208 Small quantity On-site Burner Exemption

- a) Exempt quantities. Owners and operators of facilities that burn hazardous waste in an on-site BIF are exempt from the requirements of this Subpart provided that:



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- 1) The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in the Table A based on the TESH as defined in Section 726.200(g) and 726.206(b)(3).
- 2) The maximum hazardous waste firing rate does not exceed at any time 1 percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste;
- 3) The hazardous waste has a minimum heating value of 5,000 Btu/lb, as generated; and
- 4) The hazardous waste fuel does not contain (and is not derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.

b) Mixing with nonhazardous fuels. If hazardous waste fuel is mixed with a nonhazardous fuel, the quantity of hazardous waste before such mixing is used to comply with subsection (a), above.

c) Multiple stacks. If an owner or operator burns hazardous waste in more than one on-site BIF exempt under this Section, the quantity limits provided by subsection (a)(1), above, are implemented according to the following equation:

$$\text{SUM}(Ci/Li) \leq 1.0$$

where:

$\text{SUM}(Xi)$  means the sum of the values of  $X$  for each stack  $i$ , from  $i = 1$  to  $n$ .

$n$  means the number of stacks;

$Ci$  = Actual Quantity Burned means the waste quantity burned per month in device "i".

$Li$  = Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from Table A.

BOARD NOTE: Hazardous wastes that are subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105 may be burned in an off-site device under the exemption provided by Section

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726.208, but must be included in the quantity determination for the exemption.

d) Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under this Section shall provide a one-time signed, written notice to the Agency indicating the following:

- 1) The combustion unit is operating as a small quantity burner of hazardous waste;
- 2) The owner and operator are in compliance with the requirements of this Section; and
- 3) The maximum quantity of hazardous waste that the facility is allowed to burn per month as provided by Section 726.208(a)(1).

e) Recordkeeping requirements. The owner or operator shall maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate and heating value limits of this Section. At a minimum, these records must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month and the heating value of the hazardous waste.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.209 Low risk waste Exemption

a) Waiver of DRE standard. The DRE standard of Section 726.204(a) does not apply if the BIF is operated in conformance with subsection (a)(1), below, and the owner or operator demonstrates by procedures prescribed in subsection (a)(2), below, that the burning will not result in unacceptable adverse health effects.

1) The device must be operated as follows:

A) A minimum of 50 percent of fuel fired to the device must be fossil fuel, fuels derived from fossil fuel, tall oil or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for



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purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

- B)** Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb;
- C)** The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and
- D)** The device operates in conformance with the CO controls provided by Section 726.204(b)(1). Devices subject to the exemption provided by this Section are not eligible for the alternative CO controls provided by Section 726.204(c).
- 2)** Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:
- A)** Identify and quantify those nonmetal compounds listed in 35 Ill. Adm. Code 721.Appendix H, that could reasonably be expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;
- B)** Calculate reasonable, worst case emission rates for each constituent identified in subsection (a)(2)(A), above, by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of each constituent fed to the device is emitted.
- C)** For each constituent identified in subsection (a)(2)(A), above, use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.

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- i)** Dispersion modeling must be conducted using methods specified in Section 726.206(h).
- ii)** Owners and operators of facilities with more than one on-site stack from a BIF that is exempt under this Section shall conduct dispersion modeling of emissions from all stacks exempt under this Section to predict ambient levels prescribed by this subsection.
- D)** Ground level concentrations of constituents predicted under subsection (a)(2)(C), above, must not exceed the following levels:
- i)** For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D;
- ii)** For the carcinogenic compounds listed in Appendix E:
- $SUM(Ai/Li) \leq 1.0$
- where:
- $SUM(Xi)$  means the sum of the values of  $X$  for each carcinogen  $i$ , from  $i = 1$  to  $n$ .
- $n$  means the number of carcinogenic compounds;
- $Ai$  = Actual ground level concentration of carcinogen " $i$ ";
- $Li$  = Level established in Appendix E for carcinogen " $i$ "; and
- iii)** For constituents not listed in Appendix D or E, 0.1 ug/cu m.
- b)** Waiver of particular matter standard. The PM standard of Section 726.205 does not apply if:
- 1)** The DRE standard is waived under subsection (a), above; and



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- 2) The owner or operator complies with the Tier I, or adjusted Tier I, metals feed rate screening limits provided by Section 726.206(b) or (e).

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.210 Waiver of DRE trial burn for Boilers

Boilers that operate under the special requirements of this Section, and that do not burn hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027, are considered to be in conformance with the DRE standard of Section 726.204(a), and a trial burn to demonstrate DRE is waived. When burning hazardous waste:

- a) A minimum of 50 percent of fuel fired to the devices must be fossil fuel, fuels derived from fossil fuel, tall oil or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;
- b) Boiler load must not be less than 40 percent. Boiler load is the ratio at any time of the total heat input to the maximum design heat input;
- c) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb, and each material fired in a burner where hazardous waste is fired must have a heating value of at least 8,000 Btu/lb, as-fired;
- d) The device must operate in conformance with the CO standard provided by Section 726.204(b)(1). Boilers subject to the waiver of the DRE trial burn provided by this Section are not eligible for the alternative CO standard provided by Section 726.204(c);
- e) The boiler must be a water tube type boiler that does not feed fuel using a stoker or stoker type mechanism; and

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- f) The hazardous waste must be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system or a rotary cup atomization system under the following conditions:

- 1) Viscosity. The viscosity of the hazardous waste fuel as-fired must not exceed 300 SSU;
- 2) Particle size. When a high pressure air or steam atomizer, low pressure atomizer or mechanical atomizer is used, 70% of the hazardous waste fuel must pass through a 200 mesh (74 micron) screen, and when a rotary cup atomizer is used, 70% of the hazardous waste must pass through a 100 mesh (150 micron) screen;
- 3) Mechanical atomization systems. Fuel pressure within a mechanical atomization system and fuel flow rate must be maintained within the design range taking into account the viscosity and volatility of the fuel;
- 4) Rotary cup atomization systems. Fuel flow rate through a rotary cup atomization system must be maintained within the design range taking into account the viscosity and volatility of the fuel.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.211 Standards for direct Transfer

- a) Applicability. The regulations in this Section apply to owners and operators of BIFs subject to Sections 726.202 or 726.203 if hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit.
- b) Definitions.
  - 1) When used in this Section, the following terms have the meanings given below:

Direct transfer equipment means any device (including but not limited to, such devices as piping, fittings, flanges, valves and pumps) that is used to distribute, meter or control the flow of hazardous waste between a



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container (i.e., transport vehicle) and a BIF.

Container means any portable device in which hazardous waste is transported, stored, treated or otherwise handled, and includes transport vehicles that are containers themselves (e.g., tank trucks, tanker-trailers and rail tank cars) and containers placed on or in a transport vehicle.

- 2) This Section references several requirements provided in 35 Ill. Adm. Code 724 and 725. Subparts I and J. For purposes of this Section, the term "tank systems" in those referenced requirements means direct transfer equipment as defined in subsection (b)(1), above.

c) General operating requirements.

- 1) No direct transfer of a pumpable hazardous waste must be conducted from an open-top container to a BIF.
- 2) Direct transfer equipment used for pumpable hazardous waste must always be closed, except when necessary to add or remove the waste, and must not be opened, handled or stored in a manner that could cause any rupture or leak.
- 3) The direct transfer of hazardous waste to a BIF must be conducted so that it does not:
- A) Generate extreme heat or pressure, fire, explosion or violent reaction;
  - B) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;
  - C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
  - D) Damage the structural integrity of the container or direct transfer equipment containing the waste;

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- E) Adversely affect the capability of the BIF to meet the standards provided by Sections 726.204 through 726.207; or

- F) Threaten human health or the environment.

- 4) Hazardous waste must not be placed in direct transfer equipment, if it could cause the equipment or its secondary containment system to rupture, leak, corrode or otherwise fail.

- 5) The owner or operator of the facility shall use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems. These include at a minimum:

- A) Spill prevention controls (e.g., check valves, dry discount couplings); and
- B) Automatic waste feed cutoff to use if a leak or spill occurs from the direct transfer equipment.

- d) Areas where direct transfer vehicles (containers) are located. Applying the definition of container under this Section, owners and operators shall comply with the following requirements:

- 1) The containment requirements of 35 Ill. Adm. Code 724.275;
- 2) The use and management requirements of 35 Ill. Adm. Code 725. Subpart I, except for Sections 725.270 and 725.274, and except that in lieu of the special requirements of 35 Ill. Adm. Code 725.276 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys or an adjacent property line that can be built upon as required in Tables 2-1 through 2-6 of NFPA 30 (incorporated by reference in 35 Ill. Adm. Code 720.111). The owner or operator shall obtain and keep on file at the facility a written certification by the local Fire Marshal that the installation meets the subject NFPA Codes; and



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- 3) The closure requirements of 35 Ill. Adm. Code 724.278.

e) Direct transfer equipment. Direct transfer equipment must meet the following requirements:

- 1) Secondary containment. Owners and operators shall comply with the secondary containment requirements of 35 Ill. Adm. Code 725.293, except for Sections 725.293(a), (d), (e) and (i) as follows:

- A) For all new direct transfer equipment, prior to their being put into service; and  
 B) For existing direct transfer equipment, by August 21, 1993.

- 2) Requirements prior to meeting secondary containment requirements.

- A) For existing direct transfer equipment that does not have secondary containment, the owner or operator shall determine whether the equipment is leaking or is unfit for use.

The owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 703.126(d) that attests to the equipment's integrity by August 21, 1992.

- B) This assessment must determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be transferred to ensure that it will not collapse, rupture or fail. At a minimum, this assessment must consider the following:

- i) Design standard(s), if available, according to which the direct transfer equipment was constructed;  
 ii) Hazardous characteristics of the waste(s) that have been or will be handled;  
 iii) Existing corrosion protection measures;

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- iv) Documented age of the equipment, if available, (otherwise, an estimate of the age); and

- v) Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion and erosion are accounted for.

- C) If, as a result of the assessment specified above, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725.296(a) and (b).

3) Inspections and recordkeeping.

- A) The owner or operator shall inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the BIF:

- i) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems and drainage systems) to ensure that it is in good working order;

- ii) The above ground portions of the direct transfer equipment to detect corrosion, erosion or releases of waste (e.g., wet spots, dead vegetation); and

- iii) Data gathered from monitoring equipment and leak-detection equipment. (e.g., pressure and temperature gauges) to ensure that the direct transfer equipment is being operated according to its design.

- B) The owner or operator shall inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 35 Ill. Adm. Code 725.295(b);

- C) Records of inspections made under this subsection must be maintained in the operating record at the facility, and



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available for inspection for at least 3 years from the date of the inspection.

- 4) Design and installation of new ancillary equipment. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.292.
- 5) Response to leaks or spills. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.296.
- 6) Closure. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.297, except for 35 Ill. Adm. Code 725.297(c)(2) through (c)(4).

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

## Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (7) or (8) unless the device and the owner or operator meet the following requirements:

## a) The device meets the following criteria:

- 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal.
- 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight normal, nonhazardous raw materials.
- 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials.

## b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not

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contain 35 Ill. Adm. Code 721.104(b)(4) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in 35 Ill. Adm. Code 721.104(b)(4) that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Beville Residue Determinations" in Appendix I ("eye").

B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has



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concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A), above. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste".

Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

2) Comparison of waste-derived residue concentrations with health-based limits.

A) Nonmetal constituents. The concentrations of nonmetal toxic constituents of concern (specified in subsection (b)(1), above) in the waste-derived residue must not exceed the health-based levels specified in Appendix G. If a health-based limit for a constituent of concern is not listed in Appendix G, then a limit of 0.002 ug/kg or the level of detection (using analytical procedures prescribed in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used; and

B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G; and

C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24 hour period has concentrations of toxic constituents which are higher than the health-based levels.

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Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24 hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

1) Levels of constituents in 35 Ill. Adm. Code 721. Appendix H that are present in waste-derived residues;

2) If the waste-derived residue is compared with normal residue under subsection (b)(1), above:

A) The levels of constituents in 35 Ill. Adm. Code 721. Appendix H that are present in normal residues; and

B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.212 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator shall file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.



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- a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;

- b) When an owner and operator request an extension of time to enable them to obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

- 1) The Board will, in considering whether to grant the extension:

- A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

- B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.

- 2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii), adopted at 56 Fed. Reg. 7206, February 21, 1991; and 56 Fed. Reg. 32688, July 17, 1991.

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

### Section 726. Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

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#### L-A Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain Values for Urban Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	6.0E+01	1.0E+04	1.8E+01	6.0E+01	6.0E+02	6.0E+01
6	6.8E+01	1.1E+04	2.0E+01	6.8E+01	6.8E+02	6.8E+01
8	7.6E+01	1.3E+04	2.3E+01	7.6E+01	7.6E+02	7.6E+01
10	8.6E+01	1.4E+04	2.6E+01	8.6E+01	8.6E+02	8.6E+01
12	9.6E+01	1.7E+04	3.0E+01	9.6E+01	9.6E+02	9.6E+01
14	1.1E+02	1.8E+04	3.4E+01	1.1E+02	1.1E+03	1.1E+02
16	1.3E+02	2.1E+04	3.8E+01	1.3E+02	1.3E+03	1.3E+02
18	1.4E+02	2.4E+04	4.3E+01	1.4E+02	1.4E+03	1.4E+02
20	1.6E+02	2.7E+04	4.6E+01	1.6E+02	1.6E+03	1.6E+02
22	1.8E+02	3.0E+04	5.4E+01	1.8E+02	1.8E+03	1.8E+02
24	2.0E+02	3.4E+04	6.0E+01	2.0E+02	2.0E+03	2.0E+02
26	2.3E+02	3.9E+04	6.8E+01	2.3E+02	2.3E+03	2.3E+02
28	2.6E+02	4.3E+04	7.8E+01	2.6E+02	2.6E+03	2.6E+02
30	3.0E+02	5.0E+04	9.0E+01	3.0E+02	3.0E+03	3.0E+02
32	4.0E+02	6.5E+04	1.1E+02	4.0E+02	4.0E+03	4.0E+02
34	4.6E+02	7.8E+04	1.4E+02	4.6E+02	4.6E+03	4.6E+02
36	5.0E+02	1.0E+05	1.8E+02	5.0E+02	5.0E+03	5.0E+02
38	5.8E+02	1.3E+05	2.3E+02	5.8E+02	5.8E+03	5.8E+02
40	6.8E+02	1.7E+05	3.0E+02	6.8E+02	6.8E+03	6.8E+02
42	7.6E+02	2.0E+05	3.6E+02	7.6E+02	7.6E+03	7.6E+02
44	8.6E+02	2.3E+05	4.3E+02	8.6E+02	8.6E+03	8.6E+02
46	9.6E+02	2.6E+05	5.0E+02	9.6E+02	9.6E+03	9.6E+02
48	1.1E+03	2.8E+05	5.8E+02	1.1E+03	1.1E+04	1.1E+03
50	1.3E+03	3.2E+05	6.4E+02	1.3E+03	1.3E+04	1.3E+03
52	1.5E+03	3.6E+05	7.0E+02	1.5E+03	1.5E+04	1.5E+03
54	1.7E+03	4.0E+05	7.6E+02	1.7E+03	1.7E+04	1.7E+03
56	1.9E+03	4.4E+05	8.2E+02	1.9E+03	1.9E+04	1.9E+03
58	2.2E+03	4.8E+05	9.0E+02	2.2E+03	2.2E+04	2.2E+03
60	2.5E+03	5.2E+05	9.6E+02	2.5E+03	2.5E+04	2.5E+03
62	2.8E+03	5.6E+05	1.0E+03	2.8E+03	2.8E+04	2.8E+03
64	3.2E+03	6.0E+05	1.1E+03	3.2E+03	3.2E+04	3.2E+03
66	3.6E+03	6.4E+05	1.2E+03	3.6E+03	3.6E+04	3.6E+03
68	4.0E+03	6.8E+05	1.3E+03	4.0E+03	4.0E+04	4.0E+03
70	4.6E+03	7.2E+05	1.4E+03	4.6E+03	4.6E+04	4.6E+03
72	5.0E+03	7.6E+05	1.6E+03	5.0E+03	5.0E+04	5.0E+03
74	5.8E+03	8.0E+05	1.8E+03	5.8E+03	5.8E+04	5.8E+03
76	6.8E+03	1.0E+06	2.0E+03	6.8E+03	6.8E+04	6.8E+03

#### L-B Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain Values for Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	3.1E+01	5.2E+03	9.4E+00	3.1E+01	3.1E+02	3.1E+01
6	3.6E+01	6.0E+03	1.1E+01	3.6E+01	3.6E+02	3.6E+01
8	4.0E+01	6.8E+03	1.2E+01	4.0E+01	4.0E+02	4.0E+01
10	4.6E+01	7.8E+03	1.4E+01	4.6E+01	4.6E+02	4.6E+01
12	5.2E+01	9.6E+03	1.7E+01	5.2E+01	5.2E+02	5.2E+01
14	5.8E+01	1.1E+04	2.1E+01	5.8E+01	5.8E+02	5.8E+01
16	6.8E+01	1.4E+04	2.6E+01	6.8E+01	6.8E+02	6.8E+01
18	7.6E+01	1.8E+04	3.2E+01	7.6E+01	7.6E+02	7.6E+01
20	8.6E+01	2.2E+04	4.0E+01	8.6E+01	8.6E+02	8.6E+01
22	9.6E+01	2.6E+04	5.0E+01	9.6E+01	9.6E+02	9.6E+01
24	1.1E+02	3.0E+04	6.0E+01	1.1E+02	1.1E+03	1.1E+02
26	1.3E+02	3.4E+04	7.0E+01	1.3E+02	1.3E+03	1.3E+02
28	1.5E+02	3.8E+04	8.2E+01	1.5E+02	1.5E+03	1.5E+02
30	1.7E+02	4.2E+04	9.6E+01	1.7E+02	1.7E+03	1.7E+02
32	1.9E+02	4.6E+04	1.1E+02	1.9E+02	1.9E+03	1.9E+02
34	2.2E+02	5.0E+04	1.3E+02	2.2E+02	2.2E+03	2.2E+02
36	2.5E+02	5.4E+04	1.6E+02	2.5E+02	2.5E+03	2.5E+02
38	2.8E+02	5.8E+04	1.8E+02	2.8E+02	2.8E+03	2.8E+02
40	3.2E+02	6.2E+04	2.0E+02	3.2E+02	3.2E+03	3.2E+02
42	3.6E+02	6.6E+04	2.3E+02	3.6E+02	3.6E+03	3.6E+02
44	4.0E+02	7.0E+04	2.6E+02	4.0E+02	4.0E+03	4.0E+02
46	4.6E+02	7.4E+04	3.0E+02	4.6E+02	4.6E+03	4.6E+02
48	5.0E+02	7.8E+04	3.4E+02	5.0E+02	5.0E+03	5.0E+02
50	5.8E+02	8.2E+04	3.8E+02	5.8E+02	5.8E+03	5.8E+02
52	6.8E+02	8.6E+04	4.3E+02	6.8E+02	6.8E+03	6.8E+02
54	7.6E+02	9.0E+04	4.6E+02	7.6E+02	7.6E+03	7.6E+02
56	8.6E+02	9.4E+04	5.0E+02	8.6E+02	8.6E+03	8.6E+02
58	9.6E+02	9.8E+04	5.4E+02	9.6E+02	9.6E+03	9.6E+02
60	1.1E+03	1.0E+05	5.8E+02	1.1E+03	1.1E+04	1.1E+03



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TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
45	1.5E+03	2.5E+05	4.5E+02	1.5E+03	1.5E+04	1.5E+03
50	2.0E+03	3.3E+05	6.0E+02	2.0E+03	2.0E+04	2.0E+03
55	2.6E+03	4.4E+05	7.8E+02	2.6E+03	2.6E+04	2.6E+03
60	3.4E+03	5.8E+05	1.0E+03	3.4E+03	3.4E+04	3.4E+03
65	4.6E+03	7.6E+05	1.4E+03	4.6E+03	4.6E+04	4.6E+03
70	6.0E+03	9.9E+05	1.8E+03	6.0E+03	5.4E+04	6.0E+03
75	7.8E+03	1.3E+06	2.3E+03	7.8E+03	7.6E+04	7.8E+03
80	1.0E+04	1.7E+06	2.8E+03	1.0E+04	9.4E+04	1.0E+04
85	1.3E+04	2.2E+06	3.3E+03	1.3E+04	1.1E+05	1.3E+04
90	1.6E+04	2.8E+06	4.0E+03	1.6E+04	1.3E+05	1.6E+04
95	2.0E+04	3.6E+06	4.8E+03	2.0E+04	1.5E+05	2.0E+04
100	2.6E+04	4.7E+06	5.8E+03	2.6E+04	1.8E+05	2.6E+04
105	3.4E+04	6.2E+06	7.0E+03	3.4E+04	2.2E+05	3.4E+04
110	4.6E+04	8.2E+06	8.8E+03	4.6E+04	2.6E+05	4.6E+04
115	6.0E+04	1.1E+07	1.1E+04	6.0E+04	3.1E+05	6.0E+04
120	7.8E+04	1.5E+07	1.4E+04	7.8E+04	3.7E+05	7.8E+04

## I-C

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

Values for urban and rural areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	1.4E+01	2.4E+03	4.3E+00	1.4E+01	1.4E+02	1.4E+01
6	2.1E+01	3.5E+03	6.2E+00	2.1E+01	2.1E+02	2.1E+01
8	3.0E+01	5.0E+03	9.2E+00	3.0E+01	3.0E+02	3.0E+01
10	4.3E+01	7.0E+03	1.3E+01	4.3E+01	4.3E+02	4.3E+01
12	5.8E+01	9.5E+03	1.7E+01	5.8E+01	5.8E+02	5.8E+01
14	7.6E+01	1.1E+04	2.0E+01	7.6E+01	7.6E+02	7.6E+01
16	9.9E+01	1.5E+04	2.4E+01	9.9E+01	9.9E+02	9.9E+01
18	1.3E+02	2.0E+04	2.9E+01	1.3E+02	1.3E+03	1.3E+02
20	1.6E+02	2.7E+04	3.5E+01	1.6E+02	1.6E+03	1.6E+02
22	2.0E+02	3.6E+04	4.3E+01	2.0E+02	2.0E+03	2.0E+02
24	2.6E+02	4.7E+04	5.2E+01	2.6E+02	2.6E+03	2.6E+02
26	3.4E+02	6.2E+04	6.3E+01	3.4E+02	3.4E+03	3.4E+02
28	4.6E+02	8.2E+04	7.8E+01	4.6E+02	4.6E+03	4.6E+02
30	6.0E+02	1.1E+05	9.5E+01	6.0E+02	6.0E+03	6.0E+02
35	7.8E+02	1.5E+05	1.2E+02	7.8E+02	7.8E+03	7.8E+02
40	1.0E+03	2.0E+05	1.5E+02	1.0E+03	1.0E+04	1.0E+03
45	1.3E+03	2.7E+05	1.9E+02	1.3E+03	1.3E+04	1.3E+03
50	1.6E+03	3.6E+05	2.4E+02	1.6E+03	1.6E+04	1.6E+03
55	2.0E+03	4.7E+05	2.9E+02	2.0E+03	2.0E+04	2.0E+03
60	2.6E+03	6.2E+05	3.5E+02	2.6E+03	2.6E+04	2.6E+03
65	3.4E+03	8.2E+05	4.3E+02	3.4E+03	3.4E+04	3.4E+03
70	4.6E+03	1.1E+06	5.2E+02	4.6E+03	4.6E+04	4.6E+03
75	6.0E+03	1.5E+06	6.3E+02	6.0E+03	6.0E+04	6.0E+03
80	7.8E+03	2.0E+06	7.8E+02	7.8E+03	7.8E+04	7.8E+03
85	1.0E+04	2.7E+06	9.5E+02	1.0E+04	9.5E+04	1.0E+04
90	1.3E+04	3.6E+06	1.2E+03	1.3E+04	1.2E+05	1.3E+04
95	1.6E+04	4.7E+06	1.5E+03	1.6E+04	1.5E+05	1.6E+04
100	2.0E+04	6.2E+06	1.9E+03	2.0E+04	1.9E+05	2.0E+04
105	2.6E+04	8.2E+06	2.4E+03	2.6E+04	2.4E+05	2.6E+04
110	3.4E+04	1.1E+07	2.9E+03	3.4E+04	2.9E+05	3.4E+04
115	4.6E+04	1.5E+07	3.5E+03	4.6E+04	3.5E+05	4.6E+04
120	6.0E+04	2.0E+07	4.3E+03	6.0E+04	4.3E+05	6.0E+04

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TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	4.4E-01	1.1E+00	1.7E-01	8.2E-01	2.4E-01	5.8E-01	8.6E-02	4.3E-01
6	6.6E-01	1.6E+00	2.6E-01	1.2E+00	3.6E-01	8.6E-01	1.0E-01	6.0E-01
8	8.8E-01	2.2E+00	3.4E-01	1.6E+00	4.8E-01	1.1E+00	1.3E-01	8.0E-01
10	1.1E+00	2.8E+00	4.3E-01	2.0E+00	6.0E-01	1.4E+00	1.6E-01	1.0E+00
12	1.3E+00	3.4E+00	5.2E-01	2.4E+00	7.2E-01	1.7E+00	2.0E-01	1.2E+00
14	1.6E+00	4.0E+00	6.1E-01	2.8E+00	8.4E-01	2.0E+00	2.4E-01	1.4E+00
16	1.8E+00	4.6E+00	7.0E-01	3.2E+00	9.6E-01	2.3E+00	2.8E-01	1.6E+00
18	2.0E+00	5.2E+00	7.9E-01	3.6E+00	1.0E+00	2.6E+00	3.2E-01	1.8E+00
20	2.2E+00	5.8E+00	8.8E-01	4.0E+00	1.1E+00	2.9E+00	3.6E-01	2.0E+00
22	2.4E+00	6.4E+00	9.7E-01	4.4E+00	1.2E+00	3.2E+00	4.0E-01	2.2E+00
24	2.6E+00	7.0E+00	1.0E+00	4.8E+00	1.3E+00	3.5E+00	4.4E-01	2.4E+00
26	2.8E+00	7.6E+00	1.1E+00	5.2E+00	1.4E+00	3.8E+00	4.8E-01	2.6E+00
28	3.0E+00	8.2E+00	1.2E+00	5.6E+00	1.5E+00	4.1E+00	5.2E-01	2.8E+00
30	3.2E+00	8.8E+00	1.3E+00	6.0E+00	1.6E+00	4.4E+00	5.6E-01	3.0E+00
35	3.6E+00	1.0E+01	1.4E+00	6.8E+00	1.8E+00	5.0E+00	6.4E-01	3.4E+00
40	4.0E+00	1.1E+01	1.5E+00	7.6E+00	2.0E+00	5.6E+00	7.2E-01	3.8E+00
45	4.4E+00	1.2E+01	1.6E+00	8.4E+00	2.2E+00	6.2E+00	8.0E-01	4.2E+00
50	4.8E+00	1.3E+01	1.7E+00	9.2E+00	2.4E+00	6.8E+00	8.8E-01	4.6E+00
55	5.2E+00	1.4E+01	1.8E+00	1.0E+01	2.6E+00	7.4E+00	9.6E-01	5.0E+00
60	5.6E+00	1.5E+01	1.9E+00	1.1E+01	2.8E+00	8.0E+00	1.0E+00	5.4E+00
65	6.0E+00	1.6E+01	2.0E+00	1.2E+01	3.0E+00	8.6E+00	1.1E+00	5.8E+00
70	6.4E+00	1.7E+01	2.1E+00	1.3E+01	3.2E+00	9.2E+00	1.2E+00	6.2E+00
75	6.8E+00	1.8E+01	2.2E+00	1.4E+01	3.4E+00	9.8E+00	1.3E+00	6.6E+00
80	7.2E+00	1.9E+01	2.3E+00	1.5E+01	3.6E+00	1.0E+01	1.4E+00	7.0E+00
85	7.6E+00	2.0E+01	2.4E+00	1.6E+01	3.8E+00	1.1E+01	1.5E+00	7.4E+00
90	8.0E+00	2.1E+01	2.5E+00	1.7E+01	4.0E+00	1.2E+01	1.6E+00	7.8E+00
95	8.4E+00	2.2E+01	2.6E+00	1.8E+01	4.2E+00	1.3E+01	1.7E+00	8.2E+00
100	8.8E+00	2.3E+01	2.7E+00	1.9E+01	4.4E+00	1.4E+01	1.8E+00	8.6E+00
105	9.2E+00	2.4E+01	2.8E+00	2.0E+01	4.6E+00	1.5E+01	1.9E+00	9.0E+00
110	9.6E+00	2.5E+01	2.9E+00	2.1E+01	4.8E+00	1.6E+01	2.0E+00	9.4E+00
115	1.0E+01	2.6E+01	3.0E+00	2.2E+01	5.0E+00	1.7E+01	2.1E+00	9.8E+00
120	1.1E+01	2.7E+01	3.1E+00	2.3E+01	5.2E+00	1.8E+01	2.2E+00	1.0E+01

## I-E

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Complex Terrain

Values for use in urban and rural areas

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	1.1E-01	2.6E-01	4.0E-02	2.0E-01
6	1.6E-01	3.9E-01	5.8E-02	2.9E-01
8	2.4E-01	5.8E-01	8.6E-02	4.3E-01
10	3.5E-01	8.2E-01	1.3E-01	6.2E-01
12	4.3E-01	1.0E+00	1.5E-01	7.6E-01
14	5.0E-01	1.3E+00	1.9E-01	9.4E-01
16	6.0E-01	1.6E+00	2.2E-01	1.1E+00
18	6.8E-01	1.8E+00	2.4E-01	1.2E+00
20	7.6E-01	1.9E+00	2.7E-01	1.3E+00
22	8.2E-01	2.1E+00	3.0E-01	1.4E+00
24	9.0E-01	2.4E+00	3.3E-01	1.5E+00
26	1.0E+00	2.7E+00	3.6E-01	1.6E+00
28	1.1E+00	3.0E+00	4.0E-01	1.8E+00
30	1.2E+00	3.2E+00	4.4E-01	2.0E+00
35	1.3E+00	3.7E+00	5.4E-01	2.2E+00



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40	1.0E+00	4.6E+00	6.8E-01	3.4E+00
45	2.4E+00	5.4E+00	8.4E-01	4.2E+00
50	2.9E+00	6.8E+00	1.0E+00	5.0E+00
55	3.5E+00	8.4E+00	1.3E+00	6.4E+00
60	4.3E+00	1.0E+01	1.5E+00	7.8E+00
65	5.4E+00	1.3E+01	1.9E+00	9.6E+00
70	6.0E+00	1.4E+01	2.2E+00	1.1E+01
75	6.8E+00	1.6E+01	2.4E+00	1.2E+01
80	7.6E+00	1.8E+01	2.7E+00	1.3E+01
85	8.2E+00	2.0E+01	3.0E+00	1.5E+01
90	9.4E+00	2.3E+01	3.4E+00	1.7E+01
95	1.0E+01	2.5E+01	4.0E+00	1.9E+01
100	1.2E+01	2.8E+01	4.3E+00	2.1E+01
105	1.3E+01	3.2E+01	4.8E+00	2.4E+01
110	1.5E+01	3.5E+01	5.4E+00	2.7E+01
115	1.7E+01	4.0E+01	6.0E+00	3.0E+01
120	1.9E+01	4.4E+01	6.4E+00	3.3E+01

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992)

## Section 726. Appendix B Tier I Feed Rate Screening Limits for Total Chlorine

TESH (m)	Tier I Feed Rate Screening Limits for Total Chlorine	
	Noncomplex Terrain Urban (g/hr)	Complex Terrain (g/hr)
4	8.2E+01	1.9E+01
6	9.1E+01	2.8E+01
8	1.0E+02	4.1E+01
10	1.2E+02	5.1E+01
12	1.3E+02	7.2E+01
14	1.5E+02	9.1E+01
16	1.7E+02	1.1E+02
18	1.9E+02	1.2E+02
20	2.1E+02	1.4E+02
22	2.4E+02	1.5E+02
24	2.7E+02	1.7E+02
26	3.1E+02	1.9E+02
28	3.5E+02	2.1E+02
30	3.9E+02	2.6E+02
35	5.3E+02	3.3E+02
40	6.2E+02	4.0E+02
45	8.2E+02	4.8E+02
50	1.1E+03	6.2E+02
55	1.3E+03	7.7E+02
60	1.6E+03	9.1E+02
65	2.0E+03	1.1E+03
70	2.3E+03	1.2E+03
75	2.5E+03	1.4E+03
80	2.9E+03	1.5E+03
85	3.3E+03	1.7E+03
90	3.7E+03	1.9E+03
95	4.2E+03	2.1E+03
100	4.8E+03	2.6E+03
105	5.3E+03	3.1E+03
110	6.2E+03	3.8E+03
115	7.2E+03	4.5E+03
120	8.2E+03	5.1E+03

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(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992)

## Section 726. Appendix C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

TESH (m)	Noncomplex Terrain		Noncomplex Terrain		Complex Terrain	
	Urban areas Chlorine Gas (g/hr)	HCL (g/hr)	Rural areas Chlorine Gas (g/hr)	HCL (g/hr)	Urban and rural areas Chlorine gas (g/hr)	HCL (g/hr)
4	8.2E+01	1.4E+03	4.2E+01	7.3E+02	1.9E+01	3.3E+02
6	9.1E+01	1.6E+03	4.8E+01	8.3E+02	2.8E+01	4.9E+02
8	1.0E+02	1.8E+03	5.3E+01	9.2E+02	4.1E+01	7.1E+02
10	1.2E+02	2.0E+03	6.2E+01	1.1E+03	5.8E+01	1.0E+03
12	1.3E+02	2.3E+03	7.7E+01	1.3E+03	7.2E+01	1.3E+03
14	1.5E+02	2.6E+03	9.1E+01	1.5E+03	9.1E+01	1.6E+03
16	1.7E+02	2.9E+03	1.2E+02	2.0E+03	1.1E+02	1.8E+03
18	1.9E+02	3.3E+03	1.4E+02	2.5E+03	1.2E+02	2.0E+03
20	2.1E+02	3.7E+03	1.8E+02	3.1E+03	1.3E+02	2.3E+03
22	2.4E+02	4.2E+03	2.3E+02	3.9E+03	1.4E+02	2.4E+03
24	2.7E+02	4.8E+03	2.9E+02	5.0E+03	1.6E+02	2.8E+03
26	3.1E+02	5.4E+03	3.7E+02	6.3E+03	1.7E+02	3.0E+03
28	3.5E+02	6.0E+03	4.7E+02	8.1E+03	1.9E+02	3.4E+03
30	3.9E+02	6.9E+03	5.8E+02	1.0E+04	2.1E+02	3.7E+03
35	5.3E+02	9.2E+03	9.6E+02	1.7E+04	2.6E+02	4.6E+03
40	6.2E+02	1.1E+04	1.4E+03	2.5E+04	3.3E+02	5.7E+03
45	8.2E+02	1.4E+04	2.0E+03	3.5E+04	4.0E+02	7.0E+03
50	1.1E+03	1.8E+04	2.6E+03	4.6E+04	4.8E+02	8.4E+03
55	1.3E+03	2.3E+04	3.5E+03	6.1E+04	6.2E+02	1.1E+04
60	1.6E+03	2.9E+04	4.4E+03	8.1E+04	7.7E+02	1.3E+04
65	2.0E+03	3.4E+04	5.3E+03	1.1E+05	9.1E+02	1.6E+04
70	2.3E+03	3.9E+04	6.2E+03	1.3E+05	1.1E+03	1.8E+04
75	2.5E+03	4.5E+04	9.6E+03	1.5E+05	1.2E+03	2.0E+04
80	2.9E+03	5.0E+04	1.2E+04	1.8E+05	1.3E+03	2.3E+04
85	3.3E+03	5.8E+04	1.4E+04	2.2E+05	1.4E+03	2.5E+04
90	3.7E+03	6.6E+04	1.7E+04	2.5E+05	1.6E+03	2.9E+04
95	4.2E+03	7.4E+04	2.1E+04	3.0E+05	1.8E+03	3.2E+04
100	4.8E+03	8.4E+04	2.4E+04	3.6E+05	2.0E+03	3.5E+04
105	5.3E+03	9.2E+04	2.9E+04	4.3E+05	2.3E+03	3.9E+04
110	6.2E+03	1.1E+05	3.5E+04	5.1E+05	2.5E+03	4.5E+04
115	7.2E+03	1.3E+05	4.4E+04	6.1E+05	2.8E+03	5.0E+04
120	8.2E+03	1.4E+05	5.3E+04	7.2E+05	3.2E+03	5.6E+04

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992)

## Section 726. Appendix D Reference Air Concentrations

BOARD NOTE: The RAC for other 35 Ill. Adm. Code 721. Appendix H constituents not listed below or in Appendix E is 0.1 ug/cu m.

Constituent	CAS No.	RAC (ug/cu m)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-6	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	2



Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)	77-82-9	0.4
2-Chloro-1,3-butadiene	126-99-8	1
Chromium III	16005-83-1	1000
Copper Cyanide	344-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	800
Diethyl Phthalate	84-66-2	3
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-28-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidylaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	3
Hydrogen Sulfide	7783-06-4	300
Isobutyl Alcohol	78-83-1	100
Lead	7439-92-1	0.1
Maleic Anhydride	108-31-6	0.3
Mercury	7439-97-6	0.1
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chloroacetate	76-22-1	50
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
N-Phenylmaleimide	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	200
Selenious Acid	7783-60-8	1
Selenourea	630-10-4	1
Silver	7440-22-4	100
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Styrene	72-24-9	0.3

1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallac Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.3
Thallium Selenite	12039-32-0	0.2
Thallium (I) Sulfate	7446-18-6	0.075
Thiuran	137-26-8	1
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromethylfluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726. Appendix E

Risk Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1E-05.

Constituent	CAS No.	Unit risk (cu m/ug)	RSD (ug/cu m)
Acrylamide	79-06-1	1.3E-03	7.7E-03
Acrylonitrile	107-13-1	6.8E-05	1.5E-01
Aldrin	309-00-2	4.9E-03	2.0E-03
Aniline	62-53-3	7.4E-06	1.4E+00
Arsenic	7440-38-2	4.3E-03	2.3E-03
Benz(a)anthracene	56-55-3	8.9E-04	1.1E-02
Benzene	71-43-2	8.3E-06	1.2E+00
Benzidine	92-87-5	6.7E-02	1.5E-04
Benz(g,h)pyrene	50-32-8	3.3E-03	3.0E-03
Beryllium	7440-41-7	2.4E-03	4.2E-03
Bis(2-chloroethyl)ether	111-44-4	3.3E-04	3.0E-02
Bis(chloromethyl)ether	542-88-1	6.2E-02	1.6E-04
Bis(2-ethylhexyl)-phthalate	117-81-7	2.4E-07	4.2E+01
1,3-Butadiene	106-99-0	2.8E-04	3.6E-02
Caesium	7440-43-9	1.8E-03	2.6E-03
Carbon Tetrachloride	56-23-5	1.5E-03	9.7E-01
Chlordane	57-74-9	3.7E-04	2.7E-02
Chloroform	67-66-3	2.3E-05	4.3E-01
Chloromethane	74-87-3	3.6E-06	2.8E+00
Chromium VI	7440-47-3	1.2E-02	8.3E-04
DDT	50-29-3	9.7E-05	1.0E-01
Dibenz(a,h)anthracene	53-70-3	1.4E-02	7.1E-04
1,2-Dibromo-3-chloropropane	96-12-8	6.3E-03	1.6E-03
propane	106-93-4	2.2E-04	4.5E-02
1,2-Dibromomethane	75-34-3	2.6E-05	3.8E-01
1,1-Dichloroethane	107-06-2	2.6E-05	3.8E-01
1,1-Dichloroethylene	75-35-4	5.0E-05	2.0E-01



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1,3-Dichlorobenzene	542-75-6	3.5E-01	2.9E-05
Dieldrin	60-57-1	4.6E-03	2.2E-03
Diethylstilbestrol	56-53-1	1.4E-01	7.1E-05
Dimethylnitrosamine	62-75-9	1.4E-02	7.1E-04
2,4-Dinitrotoluene	121-14-2	8.8E-05	1.1E-01
1,2-Diphenylhydrazine	122-66-7	2.2E-04	4.5E-02
1,4-Dioxane	123-91-1	1.4E-06	7.1E+00
Epichlorohydrin	106-89-8	1.2E-06	8.3E+00
Ethylene Oxide	75-21-8	1.0E-04	1.0E-01
Ethylene Dibromide	106-93-4	2.2E-04	4.5E-02
Formaldehyde	50-00-0	1.3E-03	7.7E-01
Heptachlor	76-44-8	1.3E-03	7.7E-01
Heptachlor Epoxide	1024-57-3	3.8E-03	3.8E-03
Hexachlorobenzene	118-74-1	4.9E-04	2.0E-02
Hexachlorobutadiene	87-68-3	2.0E-05	5.0E-01
Alpha-hexachlorocyclohexane	319-84-6	1.8E-03	2.6E-03
Beta-hexachlorocyclohexane	319-85-7	5.3E-04	1.9E-02
Gamma-hexachlorocyclohexane	58-89-9	3.8E-04	2.6E-02
Hexachlorocyclohexene, Technical		5.1E-04	2.0E-02
Hexachlorodibenzodioxin (1,2 Mixture)		1.3E+0	7.7E-06
Hexachloroethane	67-72-1	4.0E-06	2.5E+00
Hydrazine	302-01-2	2.9E-03	3.4E-03
Hydrazine Sulfate	302-01-2	2.9E-03	3.4E-03
3-Methylanthrene	56-49-5	3.7E-03	3.7E-03
Methyl Hydrazine	60-34-4	3.1E-04	3.2E-02
Methylene Chloride	75-09-2	4.1E-06	2.4E+00
4,4'-Methylene-bis-2-chloroaniline	101-14-4	4.7E-05	2.1E-01
Nickel	7440-02-0	2.4E-04	4.2E-02
Nickel Refinery Dust	7440-02-0	2.4E-04	4.2E-02
Nickel Sulfide	12035-72-2	4.8E-04	2.1E-02
2-Nitropropane	79-46-9	2.7E-02	3.7E-04
N-Nitroso-n-butylamine	924-16-3	1.6E-03	1.3E-02
N-Nitroso-n-methylurea	684-93-5	8.6E-02	1.2E-04
N-Nitrosodimethylamine	55-18-5	4.3E-02	2.3E-04
N-Nitrosopyrrolidine	630-55-2	6.1E-04	1.6E-02
Pentachloronitrobenzene	82-66-8	7.3E-05	1.4E-01
PBS	1336-36-3	1.2E-03	8.3E-03
Reserpine	23950-58-5	4.6E-06	2.2E+00
2,3,7,8-Tetrachlorodibenzo-p-dioxin	50-55-5	3.0E-03	3.3E-03
1,1,2,2-Tetrachloroethane	1746-01-6	4.5E+01	2.2E-07
Tetrachloroethylene	79-34-5	5.8E-05	1.7E-01
Thiourea	127-18-4	4.8E-07	2.1E+01
1,1,2-Trichloroethane	62-56-6	5.5E-04	1.8E-02
Trichloroethylene	79-00-5	1.6E-05	6.3E-01
2,4,6-Trichlorophenol	79-01-6	1.3E-06	7.7E+00
Toxaphene	88-06-2	5.7E-06	1.8E+00
Vinyl Chloride	8001-35-2	3.2E-04	3.1E-02
	75-01-4	7.1E-06	1.4E+00

(Source: Added at 16 Ill. Reg. 9858, effective June 9, 1992)

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Section 726. Appendix F		Stack Plume Rise									
		Estimated Plume Rise (In Meters)									
		Based on Stack Exit Flow Rate and Gas Temperature									
Flow rate (cu ft/sec)	Exhaust Temperature (°F)	Exhaust Temperature (°F)									
		325-349	350-399	400-449	450-499	500-599	600-699	700-799	800-999	1000-1499	>1499
<0.5	0	0	0	0	0	0	0	0	0	0	0
0.5-0.9	0	0	0	0	0	0	0	0	1	1	1
1.0-1.9	0	0	0	0	1	1	2	3	3	3	4
2.0-2.9	0	0	1	3	4	4	6	6	7	8	9
3.0-3.9	0	1	2	5	6	7	9	10	11	12	13
4.0-4.9	1	2	4	6	8	10	12	13	14	15	17
5.0-7.4	2	3	5	8	10	12	14	16	17	19	21
7.5-9.9	3	5	8	12	15	17	20	22	23	25	27
10.0-12.4	4	6	10	15	19	21	23	24	25	26	27
12.5-14.9	4	7	12	18	22	23	25	26	27	28	29
15.0-19.9	5	8	13	20	23	24	26	27	28	29	31
20.0-24.9	6	10	17	23	25	27	29	30	31	32	34
25.0-29.9	7	12	20	25	27	29	31	32	33	35	36
30.0-34.9	8	14	22	26	29	31	33	35	36	37	39
35.0-39.9	9	16	23	28	30	32	35	36	37	39	41
40.0-49.9	10	17	24	29	32	34	36	38	39	41	42
50.0-59.9	12	21	26	31	34	36	39	41	42	44	46
60.0-69.9	14	22	27	33	36	39	42	43	45	47	49
70.0-79.9	16	23	29	35	38	41	44	46	47	49	51
80.0-89.9	17	25	30	36	40	42	46	48	49	51	54
90.0-99.9	19	26	31	38	42	44	48	50	51	53	56
100.0-119.9	21	26	32	39	43	46	49	52	53	55	58
120.0-139.9	22	28	35	42	46	49	52	55	56	59	61
140.0-159.9	23	30	36	44	48	51	55	58	59	62	65
160.0-179.9	25	31	38	46	50	54	58	60	62	65	67
180.0-199.9	26	32	40	48	52	56	60	63	65	67	70
>199.9	26	33	41	49	54	58	62	65	67	69	73



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(Source: Added at 16 Ill. Reg. 9.858, effective June 9, 1992)

Section 726. Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues

BOARD NOTE: The health-based concentration limits for 35 Ill. Adm. Code 721. Appendix H constituents for which a health-based concentration is not provided below is 2E-06 mg/kg.

Metals-ICLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
Antimony	7440-36-0	1E+00
Arsenic	7440-38-2	5E+00
Barium	7440-39-3	1E+02
Beryllium	7440-41-7	7E-03
Cadmium	7440-43-9	1E+00
Chromium	7440-47-3	5E+00
Lead	7439-92-1	5E+00
Mercury	7439-97-6	2E-01
Nickel	7440-02-0	7E+01
Selenium	7782-49-2	1E+00
Silver	7440-22-4	5E+00
Thallium	7440-28-0	7E+00

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	2E-01
Acetophenone	98-86-2	4E+00
Acrolein	107-02-8	5E-01
Acrylamide	79-06-1	7E-04
Acrylonitrile	107-13-1	2E-05
Aldrin	309-00-2	2E-01
Allyl alcohol	107-18-6	1E-02
Aluminum phosphide	20859-73-8	6E-02
Aniline	62-53-3	1E+00
Barium cyanide	542-62-1	1E+00
Benz(a)anthracene	56-55-3	1E-04
Benzene	71-43-2	5E-02
Benzidine	92-87-5	1E-06
Bis(2-chloroethyl) ether	111-44-4	3E-04
Bis(2-chloroethyl) ether	542-88-1	2E-06
Bis(2-ethylhexyl) phthalate	117-81-7	3E+01
Bromofom	75-25-2	7E-01
Calcium cyanide	592-01-8	1E-06
Carbon disulfide	75-15-0	4E+00
Carbon tetrachloride	56-23-5	5E+03
Chlordane	57-74-9	3E-04
Chlorobenzene	108-90-7	1E+00
Chloroform	67-66-3	6E-02
Copper cyanide	544-92-3	2E+01
Cresols (Cresylic acid)	1319-77-3	1E+00
DDE	460-19-5	5E+00
DIB(a, b)-anthracene	50-29-3	1E-03
1,2-Dibromo-3-chloropropane	53-70-3	7E-06
p-Dichlorobenzene	96-12-8	2E-02
	106-46-7	7.5E-02

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p-Chlorodifluoromethane	75-71-8	7E+00
1,1-Dichloroethane	75-35-4	5E-03
2,4-Dichlorophenol	120-83-2	1E-01
1,3-Dichloropropane	542-75-6	1E-03
Dieldrin	60-57-1	2E-05
Diethyl phthalate	84-66-2	3E+01
Dimethylstilbestrol	56-53-1	7E-07
Dimethoate	60-51-5	3E-02
2,4-Dinitrotoluene	121-14-2	5E-04
o-Nitroaniline	122-39-2	7E-01
1,2-Diphenylhydrazine	122-66-7	2E-04
Endosulfan	115-29-7	2E-03
Endrin	72-20-8	2E-04
Epichlorohydrin	106-89-8	4E-07
Ethylene dibromide	106-93-4	4E-07
Ethylene oxide	75-21-8	3E-04
Fluorine	7782-41-4	4E+00
Formic acid	64-18-6	7E+01
Heptachlor	76-44-8	8E-05
Heptachlor epoxide	1024-57-3	4E-05
Hexachlorobenzene	118-74-1	2E-04
Hexachlorobutadiene	87-68-3	5E-03
Hexachlorocyclopentadiene	77-47-4	2E-01
Hexachlorodibenzo-p-dioxins	19408-74-3	4E-08
Hexachloroethane	67-72-1	3E-02
Hydrazine	302-01-1	1E-04
Hydrogen cyanide	74-90-8	7E-02
Hydrogen sulfide	7783-06-4	1E-06
Isobutyl alcohol	78-83-1	1E+01
Methomyl	16752-77-5	1E+00
Methoxychlor	72-43-5	1E-01
3-Methylcholanthrene	56-49-5	4E-05
4,4'-Methylenebis (2-chloroaniline)	101-14-4	2E-03
Methylene chloride	75-09-2	5E-02
Methyl ethyl ketone (MEK)	78-93-3	2E+00
Methyl hydrazine	60-34-4	3E-04
Methyl parathion	298-00-0	2E-02
Naphthalene	91-20-3	1E+01
Nickel cyanide	557-19-7	7E-01
Nitric oxide	10102-43-9	4E+00
Nitrobenzene	98-95-3	2E-02
N-Nitrosodimethylamine	924-16-3	4E-02
N-Nitrosodietylamine	55-18-5	2E-06
N-Nitroso-N-methylurea	684-93-5	1E-07
N-Nitrosopyrrolidine	930-55-2	2E-04
Pentachlorobenzene	608-93-5	3E-02
Pentachloronitrobenzene (PCNB)	82-68-8	1E-01
Pentachlorophenol	87-86-5	1E+00
Phenol	108-95-2	1E+00
Phenylmercuric acetate	62-38-4	3E-03
Phosphine	7803-51-2	1E-02
Polychlorinated biphenyls, N.O.S.	1336-36-3	5E-05
Potassium cyanide	151-50-8	2E+00
Potassium silver cyanide	506-61-6	7E+00
Pronamide	23950-58-5	4E-02
Pyridine	110-84-1	3E-05
Reserpine	50-55-5	2E-01
Selenourea	630-10-4	4E+00
Silver cyanide	306-64-9	1E+00
Sodium cyanide	143-33-9	1E-02
Strychnine	57-24-9	1E-02
1,2,4,5-Tetrachlorobenzene	95-94-3	1E-02
1,1,2,2-tetrachloroethane	79-34-5	2E-03
Tetrachloroethylene	127-18-4	7E-01
2,3,4,6-Tetrachlorophenol	58-90-2	1E-02



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Tetraethyl lead  
Trichloroethylene  
Toluene  
Xylene  
1,1,2-Trichloroethane  
Trichloroethylene  
Trichloroethanol  
2,4,5-Trichlorophenol  
2,4,6-Trichlorophenol  
Vanadium pentoxide  
Vinyl chloride

78-00-2  
62-56-6  
108-88-3  
8001-35-2  
79-00-5  
79-01-6  
79-69-4  
95-95-4  
88-06-2  
1314-62-1  
79-01-4

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

Section 726. Appendix H Potential PICs for Determination of Exclusion of Waste-Derived Residues

PICs Found in Stack Effluents

Volatiles

Benzene  
Toluene  
Carbon tetrachloride  
Chloroform  
Methylene chloride  
Trichloroethylene  
Tetrachloroethylene  
1,1,1-Trichloroethane  
Chlorobenzene  
cis-1,4-Dichloro-2-butene  
Bromochloroethane  
Bromochloromethane  
Bromothane  
Methylene bromide  
Methyl ethyl ketone

Semivolatiles  
Bis(2-ethylhexyl)phthalate  
Naphthalene  
Phenol  
Diethyl phthalate  
Butyl benzyl phthalate  
2,4-Dimethylphenol  
p-Dichlorobenzene  
m-Dichlorobenzene  
p-Dichlorobenzene  
Hexachlorobenzene  
2,4,6-Trichlorophenol  
Fluoranthene  
p-Nitrophenol  
1,2,4-Trichlorobenzene  
p-Chlorophenol  
Pentachlorophenol  
Pyrene  
Dimethyl phthalate  
Mononitrobenzene  
2,6-Toluene diisocyanate

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

Section 726. Appendix I Methods Manual for Compliance with BIF Regulations

See "Methods Manual for Compliance with BIF Regulations". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix IX, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, which is incorporated by reference. This incorporation includes no future editions or amendments.

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(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

Section 726. Appendix J Guideline on Air Quality Models

See "Guideline on Air Quality Models (Revised)". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix X, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, which is incorporated by reference. This incorporation includes no future editions or amendments.

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

Section 726. Appendix K Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

a) Exempt Lead-Bearing Materials When Generated or Originally Produced By Lead-Associated Industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g. manufacturing of lead oxide or other lead compounds).

Acid dump/fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing (e.g. coveralls, aprons, shoes, hats, gloves)

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasive

Stacking boards



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Waste shipping containers (e.g. cartons bags, drums, cardboard)

Paper hand towels

Wiping rags and sponges

Contaminated pallets

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries (e.g. K069 and D008 wastes)

Spent grinds, posts and separators

Spend batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Cheesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

b) Exempt Lead-Bearing Materials When Generated or Originally Produced By Any Industry

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992)

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Section 726. Appendix L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

a) Exempt Nickel or Chromium-Bearing Materials when Generated by Manufacturers or Users of Nickel, Chromium or Iron.

Baghouse bags

Raney nickel catalyst

Floor sweepings

Air filters

Electroplating bath filters

Wastewater filter media

Wood Pallets

Disposable clothing (coveralls, aprons, hats, and gloves)

Laboratory samples and spent chemicals

Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes

Respirator cartridge filters

Paper hand towels

b) Exempt Nickel or Chromium-Bearing Materials when Generated by Any Industry

Electroplating wastewater treatment sludges (F006)

Nickel and/or chromium-containing solutions

Nickel and/or chromium-containing catalysts

Nickel-cadmium and nickel-iron batteries

Filter cake from wet scrubber system water treatment plants in the specialty steel industry



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Filter cake from nickel-chromium alloy pickling operations

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

Section 726. Table A Exempt Quantities for Small Quantity Burner Exemption

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	
	IESH	IESH
0 to 3.9	0	40.0 to 44.9
4.0 to 5.9	13	45.0 to 49.9
6.0 to 7.9	18	50.0 to 54.9
8.0 to 9.9	27	55.0 to 59.9
10.0 to 11.9	40	60.0 to 64.9
12.0 to 13.9	53	65.0 to 69.9
14.0 to 15.9	66	70.0 to 74.9
16.0 to 17.9	80	75.0 to 79.9
18.0 to 19.9	93	80.0 to 84.9
20.0 to 21.9	107	85.0 to 89.9
22.0 to 23.9	120	90.0 to 94.9
24.0 to 25.9	134	95.0 to 99.9
26.0 to 27.9	147	100.0 to 104.9
28.0 to 29.9	161	105.0 to 109.9
30.0 to 31.9	175	110.0 to 114.9
32.0 to 33.9	188	115.0 or greater

(Source: Added at 16 Ill. Reg. 9858 , effective June 9, 1992 )

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- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Adopted Action:  
112.115 Amendment  
112.300 Amendment
- 4) Statutory Authority:  
89 Ill. Adm. Code 112.115  
Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)  
89 Ill. Adm. Code 112.300  
Sections 4-1.2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.2 and 12-13)  
Effective Date of Adopted Amendments: June 15, 1992
- 5) Does this rulemaking contain an automatic repeal date? No
- 6) Do these Adopted Amendments contain incorporations by reference? No
- 7) Date Filed in Agency's Principal Office: June 15, 1992
- 8) Notice of Proposal Published in Illinois Register:  
89 Ill. Adm. Code 112.115: December 20, 1991 (15 Ill. Reg. 18062)  
89 Ill. Adm. Code 112.300: December 13, 1991 (15 Ill. Reg. 17886)
- 9) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 10) Difference between proposal and final version: No substantive changes were made to the text of the Amendment.
- 11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



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13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.70	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.71	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.72	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.74	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.78	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.79	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.82	Amendment	March 6, 1992 (16 Ill. Reg. 3335)
112.110	Amendment	November 15, 1991 (15 Ill. Reg. 16596)
112.400	Amendment	November 15, 1991 (15 Ill. Reg. 16596)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 112.115

This rulemaking re-formats the Education Benefits Section and adds additional types of benefits which are provided through the federal Department of Education.

89 Ill. Adm. Code 112.300

The proposed amendment reverses the Department's policy change of February 23, 1990, regarding essential persons in AFDC cases. Prior to that, at the caretaker's request, the spouse of the caretaker relative or another needy relative could be included in the AFDC case as a second adult if

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their presence was considered essential. Effective February 23, 1990, the person was considered to be essential only if the person provided child care or care for an incapacitated AFDC family member. The AFDC family size therefore became smaller, which reduced the grant payment.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Bureau of Rules and Regulations  
Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section  
112.1  
112.5

Description of the Assistance Program  
Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8  
112.9  
112.10  
112.20  
112.30  
112.40  
112.50  
112.52  
112.54  
112.60  
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Caretaker Relative  
Client Cooperation  
Citizenship  
Residence  
Age  
Relationship  
Living Arrangement  
Social Security Numbers  
Assignment of Medical Support Rights  
Lack of Parental Support or Care  
Death of a Parent  
Incapacity of a Parent  
Continued Absence of a Parent  
Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

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112.70  
112.71  
112.72  
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Participation Requirements For Project Chance  
Individuals Exempt From Project Chance  
Project Chance Participation/Cooperation Requirements  
Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
Project Chance Initial Assessment  
Process/Development of an Employability Plan  
Project Chance Orientation  
Conciliation and Fair Hearings  
Project Chance Components  
Project Chance Sanctions  
Good Cause for Failure to Comply with Project Chance Participation Requirements  
Responsible Relative Eligibility For Project Chance  
Project Chance Supportive Services

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Young Parents Program  
Work Experience Evaluation Project  
Four Year College/Vocational Training Demonstration Project

Section  
112.83  
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## SUBPART E: PROJECT ADVANCE

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112.86  
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Project Advance  
Project Advance Experimental and Control Groups  
Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
Project Advance Sanctions  
Good Cause for Failure to Comply with Project Advance  
Individuals Exempt From Project Advance  
Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section  
112.98

Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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112.101  
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112.107  
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Unearned Income of Stepparent or Parent  
Unearned Income  
Budgeting Unearned Income  
Date of Application And/Or Date Of Decision  
Initial Receipt of Unearned Income  
Termination of Unearned Income  
Exempt Unearned Income  
Education Benefits  
Incentive Allowances  
Unearned Income In-Kind  
Earmarked Income  
Lump Sum Payments  
Protected Income  
Earned Income  
Earned Income Tax Credit  
Budgeting Earned Income  
Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
Initial Employment  
Budgeting Earned Income For Contractual Employees



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Section 112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section 112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section 112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

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Section 112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

Section 112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care

## SUBPART K: TRANSITIONAL CHILD CARE

Section 112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399,



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effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21,

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1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August



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29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill.

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Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.115 Education Benefits

## a) Federal Loan and Grant Programs

1) Income from educational loans and grants made or insured under any program administered by the Federal Department of Education is totally exempt whether the grant is paid directly to the schools or to the student.

2) These loans and grants include, but are not limited to, the following:

- A) Pell Grants;
- B) National Direct Student Loans;
- C) PLUS Program;
- D) Byrd Honor Scholarship Program;
- E) Supplementary Educational Opportunity Grant;
- F) College Work Study;
- G) Guaranteed Loan Program; and
- H) Assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act.

a) b) Other Education Benefits



## NOTICE OF ADOPTED AMENDMENTS

## Section 112.115(b) (continued)

That portion of an educational benefit which is actually used for items such as tuition, books, fees, equipment, transportation, and child care expenses necessary for school attendance shall be exempt.

## 1) Veterans Educational Assistance

Income from educational benefits paid to a veteran or to a dependant of a veteran shall be exempt only to the extent that it is applied toward educational expenses.

## 2) Social Security Administration Benefits

Income received as an SSA benefit paid to or for an individual and conditioned upon the individual's regular attendance in a school, college or university, or a course of vocational or technical learning, shall be exempt to the extent that it is applied toward educational expenses.

## 3) Loans and Grants

Income from educational loans and grants obtained and used under conditions that preclude their use for current living costs shall be exempt.

## b) Federal Loan and Grant Programs

Income from educational loans and grants made or insured under any program administered by the Federal Commissioner of Education is totally exempt whether the grant is paid directly to the schools or to the student. These loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grants, Supplementary Educational Opportunity Grant, Work Study Grant, and the Guaranteed Loan Program.

(Source: Amended at 16 Ill. Reg. 9972, effective June 15, 1992)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART I: OTHER PROVISIONS

## Section 112.300 Persons Who May Be Included in the Assistance Unit

a) The assistance unit must include at least one eligible child. No more than two of the following individuals may also be included as adults:

1) The caretaker relative;

2) The parent of an eligible child;

3) A needy relative other than caretaker relative who provides at least one of the following services:

A) child care which enables the caretaker relative to work on a full-time (at least 100 hours per month) paid basis outside the home;

B) care for an incapacitated family member in the home;

C) child care that enables a caretaker relative to receive training full-time;

D) child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full-time; or

E) child care for a period not to exceed two months that enables the caretaker relative to participate in a Project Chance (APDC) work program such as Job Search.

3) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or

4) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.

b) In order for an assistance unit to be eligible, an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:



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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 112.300(b) (continued)

- 1) Any natural or adoptive parent of the dependent child; and
- 2) Any blood-related or adoptive brother or sister of the dependent child.
- c) The eligibility of a child in an Assistance unit depends on that child's lack of parental support or care. All eligible dependent children, blood related siblings and stepchildren in a family unit shall be included in a single case.
- d) 1) A pregnant woman, who would be eligible for AFDC when the child is born, may receive assistance as an Adult only. Financial assistance is limited to the last four months of pregnancy.
- 2) A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in an AFDC case is not eligible for cash assistance as an Adult only pregnant woman.
- e) The caretaker relative(s) of a child receiving SSI who would otherwise be eligible for AFDC, may receive assistance as an Adult only case.

(Source: Amended at 16 Ill. Reg. 9972, effective June 15, 1992)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:  
113.130 Amendment  
113.253 Amendment  
113.260 Amendment
- 4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)
- 5) Effective Date of Adopted Amendments: June 15, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 15, 1992
- 9) Notices of Proposal Published in Illinois Register:  
December 20, 1991 (15 Ill. Reg. 18073)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the Amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.108	Repealed	November 15, 1991 (15 Ill. Reg. 16610)
113.109	Repealed	November 15, 1991 (15 Ill. Reg. 16610)







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## NOTICE OF ADOPTED AMENDMENTS

Section 113.117 Budgeting Earned Income For Non-contractual School Employees

113.118 Termination of Employment

113.120 Exempt Earned Income

113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs

113.131 Earned Income From Self-Employment

113.132 Earned Income From Roomer and Boarder

113.133 Earned Income From Rental Property

113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers For Applications Filed Prior To October 1, 1989

113.155 Property Transfers For Applications Filed On Or After October 1, 1989

113.156 Court Ordered Child Support Payments of Parent/Step-Parent

113.157 Sponsors of Aliens

113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

Section 113.245 Payment Levels for AABD

113.246 Personal Allowance

113.247 Personal Allowance Amounts

113.248 Shelter

113.249 Utilities and Heating Fuel

113.250 Laundry

113.251 Telephone

113.252 Transportation, Lunches, Special Fees

113.253 Allowances for Increase in SSI Benefits

113.254 Nursing Care or Personal Care in Home Not Subject to Licensing

113.255 Sheltered Care in a Licensed Group Care Facility

113.256 Shopping Allowance

113.257 Special Allowances for Blind and Partially Sighted (Blind Only)

113.258 Home Delivered Meals

113.259 AABD Fuel and Utility Allowances By Area

113.260 Sheltered Care Rates

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

Persons Who May Be Included In the Assistance Unit

Grandfathered Cases

113.301 Interim Assistance (Repealed)

113.302 Special Needs Authorizations

113.303 Retrospective Budgeting

113.304 Budgeting Schedule

113.305 Purchase and Repair of Household Furniture (Repealed)

113.306 Property Repairs and Maintenance

113.307 Excess Shelter Allowance

113.308 Redetermination of Eligibility

113.320

## SUBPART F: INTERIM ASSISTANCE

Section 113.400 Description of the Interim Assistance Program

113.405 Pending SSI Application

113.410 More Likely Than Not Eligible for SSI

113.415 Non-Financial Factors of Eligibility

113.420 Financial Factors of Eligibility

113.425 Payment Levels for Chicago Interim Assistance Cases

113.430 Payment Levels for all Interim Assistance Cases Outside Chicago

113.435 Medical Eligibility

113.440 Attorney's Fees for SSI Applicants

113.445 Advocacy Program for Persons Receiving Interim Assistance

113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of



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150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921,

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effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 8712, effective February 6, 1987; amended at 11 Ill. Reg. 9919, effective April 20, 1987; amended at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63,



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effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 113.130 Income From Work/Study/Training Programs

a) ~~Income from college-work-study-is-considered-exempt-income.~~

b) a) Earned income received through the Job Training Partnership Act must be budgeted against the AABD grant.

e) b) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act is exempt.

## c) Education Benefits

## Section 113.130(c) (continued)

## 1) Federal Loan and Grant Program

A) Income from education loans and grants made by or insured under any program administered by the Federal Department of Education is totally exempt whether the grant is paid directly to the schools or to the student.

B) These loans and grants include, but are not limited, to the following:

i) Pell Grants;

ii) National Direct Student Loans;

iii) PLUS Program;

iv) Byrd Honor Scholarship Program;

v) Supplementary Educational Opportunity Grant;

vi) College Work Study;

vii) Guaranteed Loan Program; and

viii) Assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act.

## 2) Other Education Benefits

That portion of an educational benefit which is actually used for items such as tuition, books, fees, equipment, transportation, and child care expenses necessary for school attendance shall be exempt.

A) Veterans Education Assistance

Income from educational benefits paid to a veteran or to a dependant of a veteran shall be exempt only to the extent that it is applied toward educational expenses.

B) Income from education loans and grants obtained and used under conditions which



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## NOTICE OF ADOPTED AMENDMENTS

## Section 113.130(c)(2)(B) (continued)

preclude their use for current living costs  
is exempt.

(Source: Amended at 16 Ill. Reg. 9986, effective June 15, 1992)

## SUBPART D: PAYMENT AMOUNTS

## Section 113.253 Allowances for Increase in SSI Benefits

a) An allowance for \$228-90-\$243.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.

b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 16 Ill. Reg. 9986, effective June 15, 1992)

## Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ <u>635-55</u> <u>640.55</u>	0-7	\$ <u>637-55</u> <u>652.55</u>
<u>630-55</u> <u>645.55</u>	8	<u>643-55</u> <u>658.55</u>
<u>635-55</u> <u>650.55</u>	9	<u>649-55</u> <u>664.55</u>
<u>640-55</u> <u>655.55</u>	10	<u>655-55</u> <u>670.55</u>
<u>645-55</u> <u>660.55</u>	11	<u>661-55</u> <u>676.55</u>
<u>650-55</u> <u>665.55</u>	12	<u>667-55</u> <u>682.55</u>
<u>655-55</u> <u>670.55</u>	13	<u>673-55</u> <u>688.55</u>

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 113.260 (continued)

Group II Counties	Needs Assessment	Group III Counties
<u>660-55</u> <u>675.55</u>	14	<u>679-55</u> <u>694.55</u>
<u>665-55</u> <u>680.55</u>	15	<u>685-55</u> <u>700.55</u>
<u>670-55</u> <u>685.55</u>	16	<u>691-55</u> <u>706.55</u>
<u>675-55</u> <u>690.55</u>	17	<u>697-55</u> <u>712.55</u>
<u>680-55</u> <u>695.55</u>	18	<u>703-55</u> <u>718.55</u>
<u>685-55</u> <u>700.55</u>	19	<u>709-55</u> <u>724.55</u>
<u>690-55</u> <u>705.55</u>	20	<u>715-55</u> <u>730.55</u>
<u>695-55</u> <u>710.55</u>	21	<u>721-55</u> <u>736.55</u>
<u>700-55</u> <u>715.55</u>	22	<u>727-55</u> <u>742.55</u>
<u>705-55</u> <u>720.55</u>	23	<u>733-55</u> <u>748.55</u>
<u>710-55</u> <u>725.55</u>	24	<u>739-55</u> <u>754.55</u>

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 16 Ill. Reg. 9986, effective June 15, 1992)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: . Adopted Action:  
160.30 Amendment
- 4) Statutory Authority: Sections 4-1.7, 10-1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: June 15, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 15, 1992
- 9) Notice of Proposal Published in Illinois Register:  
February 14, 1992 (16 Ill. Reg. 2406)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Difference between proposal and final version: No substantive changes were made to the text of the Amendment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation            |
|-----------------|-----------------|---------------------------------------|
| 160.77          | New Section     | June 12, 1992<br>(16 Ill. Reg. 8892.) |
| 160.85          | New Section     | June 12, 1992<br>(16 Ill. Reg. 8892.) |

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Adopted Amendments: This proposal revises the rule on cooperation with the Child Support Enforcement Program so that it is consistent with federal regulations and the rulings of the U.S. District Court for the Northern District in the class action lawsuit, Doston v. Duffy. The changes proposed in the rule have been negotiated with and agreed to by the Legal Assistance Foundation of Chicago, counsel for the Doston plaintiffs.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
- |                   |   |
|-------------------|---|
| <u>Name:</u>      | Judy Umunna<br>Bureau of Rules and Regulations  |
| <u>Address:</u>   | Illinois Department of Public Aid<br>Jesse B. Harris Building II<br>100 South Grand Avenue East, 3rd Floor<br>Springfield, Illinois 62762 |
| <u>Telephone:</u> | (217) 524-3215  |

The full text of the Adopted Amendments begins on the next page:



## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER f: COLLECTIONSPART 160  
CHILD SUPPORT ENFORCEMENT

## SUBPART A: CHILD SUPPORT ENFORCEMENT

## Section

- 160.1 Incorporation By Reference  
160.5 Definitions  
160.10 Child Support Enforcement Program  
160.20 Assignment of Rights to Support

## SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

## Section

- 160.30 Cooperation With Support Enforcement Program  
160.35 Good Cause For Failure to Cooperate With Support Enforcement  
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement  
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF  
CHILD SUPPORT ORDERS

## Section

- 160.60 Establishment of Support Obligations  
160.65 Modification of Support Obligations

## SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

## Section

- 160.70 Enforcement of Support Orders  
160.75 Withholding of Income to Secure Payment of Support  
160.80 Amnesty - 20% Charge

## SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

## Section

- 160.90 Earmarking Child Support Payments

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

## Section

- 160.100 Distribution Of Child Support For AFDC Recipients  
160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services

## 160.120

Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled  
Distribution Of Intercepted Income Tax Refunds and Other State Payments

## 160.130

Distribution of Child Support for Non-AFDC Clients  
160.132 Distribution of Child Support For Interstate Cases  
160.134 Distribution of Support Collected in IV-E Foster Care Maintenance Cases  
160.136

## 160.138

Distribution of Child Support for Medical Assistance  
No Grant Cases

## SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

## 160.140

Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION  
OF CHILD SUPPORT

## 160.150

Department Review Of Distribution Of Child Support For AFDC Recipients

## 160.160

Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

## Section 160.30 Cooperation With Support Enforcement Program

a) As a condition of individual eligibility for AFDC, a caretaker relative must cooperate with the Department in identifying/locating the responsible relative and in obtaining support from the responsible relative and enforcing support obligations, unless the Department determines there is good cause for refusing (see 89 Ill. Adm. Code 101-20 for definition of "caretaker relative"). As a condition of individual eligibility for AFDC, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:

- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
- 2) establishing the paternity of a child for whom aid is claimed;
- 3) obtaining support from the responsible relative; and
- 4) enforcing support obligations.

b) If the caretaker relative and his/her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails/refuses, without good cause (see Sections 160.35 thru 160.45), to cooperate in the enforcement of support obligations shall be excluded from the assistance grant.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30 (continued)

c) "Cooperating with the Department in identifying/locating the responsible relative and in obtaining and enforcing support obligations" means: "Cooperating with the Department" in the context of subsection (a) above means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) above:

- 1) appearing at such places as an office of the Department, or the Department's legal representatives or fee representative (such as the Attorney General or his designee), as necessary, and providing to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient caretaker relative;
- 2) appearing and testifying as a witness at judicial proceedings;
- 3) paying to the Department any child support payments received from the responsible relative; and
- 4) providing information, or attesting to the lack of information (i.e., all information of documentary evidence known to, possessed by, or reasonably obtainable by the caretaker relative about the responsible relative), under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [Ill. Rev. Stat. 1985, 1989, ch. 38, par. 32-2]). All caretaker relatives must sign a statement attesting that:
  - A) he/she has to the best of his/her ability, provided all information requested of him/her, and
  - B) all information which he/she has provided is true and correct to the best of his/her knowledge.
- d) Evidence of a caretaker relative's failure/refusal to cooperate in identifying/locating the responsible relative and/or in obtaining and enforcing support obligations includes but is not limited to if a



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(d) (continued)

caretaker relative fails/refuses to comply with the requirements of subsection (c) above, he/she is ineligible for financial and medical assistance, i.e., is "sanctioned", for as long as the failure/refusal to cooperate continues. Grounds for a determination that a caretaker relative has failed/refused to cooperate with the requirements of subsection (c) above are as follows:

- 1) A) failure/refusal, without a valid reason, to appear for an appointment/interview at such places as the Department or the Department's legal representative's office or failure/refusal to appear and/or testify as a witness at a judicial proceeding (the appointment/interview/judicial proceeding are only these referred to in Section 160.30(e)(1) thru (e)(4)). A caretaker relative's failure/refusal to appear for an appointment/interview or to appear and/or testify at a judicial proceeding, without a valid reason, will result in sanction by the discontinuance of financial and medical assistance for that caretaker relative. A caretaker relative may claim valid reasons for failure/refusal to appear for an appointment/interview at such places as the Department or the Department's legal representative's office or for failure/refusal to appear and/or testify at a judicial proceeding. Examples of valid reasons for failure/refusal to cooperate include, but are not limited to:

- 1) failure/refusal, without a valid reason, to appear for an appointment/interview at such places as the Department's or the Department's legal representative's office.

- 2) failure/refusal, without a valid reason, to appear and testify as a witness at a judicial proceeding.

- 3) failure/refusal, without a valid reason, to submit to a court-ordered blood test, or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(d) (continued)

- 4) failure/refusal during an appointment/interview to attest under penalty of perjury that
  - A) he/she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him/her about the identity and location of the responsible relative, and
  - B) the information provided is true and correct to the best of his/her knowledge.

- 5) A caretaker relative may claim a valid reason for failure/refusal to appear for an appointment/interview, to appear and testify as a witness at a judicial proceeding or to submit to a court-ordered blood test.

- A) Examples of valid reasons for failure/refusal to cooperate include, but are not limited to:

- i) illness,
- ii) incapacity (e.g., a broken leg, information of a scheduled surgery or recuperation from surgery),
- iii) death in the family,
- iv) non-Child Support Enforcement court required appearance,
- v) temporary incarceration,
- vi) family crisis,
- vii) breakdown in child care arrangements,
- viii) sudden or unexpected emergency,
- ix) unavailability of otherwise suitable child care, or
- x) breakdown in transportation arrangements or lack of reasonably available transportation, or



## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(d)(5)(A) (continued)

- xi) non-receipt of notice of appointment/interview, court date or blood test date.
- B) The Department will not require a caretaker relative to document provide proof of a valid reason(s) reason for failure/refusal to cooperate unless:

- i) the caretaker relative has failed/refused to appear for an appointment/interview/court, judicial proceeding or blood test on at least one other occasion within a thirty (30) day period from the first failure to appear, or
- ii) evidence independent of the explanation of valid reason contradicts the caretaker relative's explanation. (The caretaker relative must provide such documentation (e.g., physician statement, dated pharmacy statement, hospital admission statement) within ten (10) days from the day the valid reason claim was made. If such documentation is not provided, AFDC benefits to the caretaker relative will be discontinued.)

- C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (e.g., physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within 10 calendar days of the request. The Department shall allow an additional 10 calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, his/her financial and medical assistance will be discontinued.

- C)D) The sanction for failure/refusal to appear for an appointment/interview/court, judicial proceeding or blood test shall be rescinded at any level of the sanction appeal process

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(d)(5)(D) (continued)

up through and until the final agency decision, and any lost benefits will be restored, if the caretaker relative established establishes a valid reason for his/her failure/refusal to keep his/her scheduled appointment/interview or to appear and/or testify at a judicial proceeding.

- 2) failure/refusal to provide all information which is available to him/her about the identity and/or location of the responsible relative, as determined by the following objective criteria:
- A) inconsistent statements of information relevant to identifying/locating the responsible relative and/or obtaining and enforcing the support obligation, which the caretaker relative cannot reasonably
- B) failure/refusal to provide information which it is reasonable to expect the caretaker relative to know or be able to obtain. The amount of information which a caretaker relative is expected to provide is based on:
- i) the length of the relationship with the responsible relative,
  - ii) the type of relationship (i.e., marriage, co-habitation, dating),
  - iii) the recency of the relationship, and
  - iv) the financial aspects of the relationship.
- C) has knowingly provided incorrect or misleading information.
- e) Evidence of a caretaker relative's failure/refusal to cooperate in identifying/locating the responsible relative and/or in obtaining and enforcing support obligations, does not include:
- i) mere suspicions on the part of the interviewer (e.g., the Family Support Specialist, the State's Attorney),



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(e) (continued)

- 2) interviewer's conjectures based solely on the caretaker relative's attitude or demeanor of
- 3) the caretaker relative's inability to provide enough information for the Parent Locator Service to locate the responsible relative.

4) The Department will advise those caretaker relatives whom it believes are failing/refusing to cooperate with Child Support Enforcement Program requirements that appropriate sanction will be taken if the caretaker relative will be excluded from the assistance grant.

5) If the caretaker relative fails/refuses to comply with the requirements listed in subsection (e) above, he/she is ineligible for financial and medical assistance for as long as he/she continues to fail/refuse to cooperate. If the caretaker relative later indicates that he/she is willing to cooperate, he/she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he/she complies with the requirements (see subsection (e) above) that he/she previously failed/refused to meet.

6) A caretaker relative can appeal the Department's determination that he/she failed/refused to comply with the requirements of subsection (e) above. Such appeal shall be in accordance with 89 Ill. Adm. Code 102.70 thru 102.82 and 104.1 Subpart A.

7) The sanction for failure/refusal to cooperate with Child Support Enforcement Program requirements listed in subsections (e)(1) thru (e)(4) shall be rescinded at any level of the sanction process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure/refusal to cooperate with the Child Support Enforcement Program.

8) If a caretaker relative, who is ineligible for financial and medical assistance because of a failure/refusal to cooperate indicates that he/she is willing to cooperate, he/she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he/she complies

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(e) (continued)

with the requirements that he/she previously failed/refused to meet as follows:

1) In the case of a caretaker relative who was sanctioned for missing an interview/appointment, he/she may demonstrate cooperation by appearing at a new interview/appointment. If the caretaker relative notifies the Department that he/she is willing to cooperate, the Department will schedule a new interview/appointment no later than three (3) weeks from the date of such notification. If the caretaker relative appears at the new interview/appointment, the Department will authorize assistance as of the date the caretaker relative notified the Department that he/she was willing to cooperate.

2) In the case of a caretaker relative who was sanctioned for failure to submit to a blood test to establish paternity, he/she may demonstrate cooperation by submitting to the blood test. If the caretaker relative notifies the Department that he/she is willing to cooperate, the Department will schedule a blood test within 3 weeks from the date of such notification. If the caretaker relative submits to the blood test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he/she was willing to cooperate.

3) In the case of a caretaker relative who was sanctioned for not attending a court appearance, he/she may demonstrate cooperation by attending the next court appearance or, once in a court case after 30 days have passed since the missed appearance, by signing a statement the he/she is now willing to cooperate and will attend the next scheduled court appearance. Assistance for the caretaker relative shall be authorized as of the date he/she demonstrates cooperation by either method.

4) In the case of a sanctioned caretaker relative whose failure to attend a court appearance or other failure to cooperate resulted in the dismissal of the court case, he/she may demonstrate cooperation by doing what he/she



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(e)(4) (continued)

failed to do or, once in a court case after 60 days have passed since the dismissal, by signing a statement that he/she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he/she demonstrates cooperation by either method.

- 5) In the case of a caretaker relative who was sanctioned for not attesting, he/she may demonstrate cooperation by executing the attestation described in subsection (d)(4) above. Assistance for the caretaker relative shall be authorized as of the date he/she executes the attestation.
- 6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) above until at least 30 days have elapsed since termination of the pregnancy.

f) A sanction for failure/refusal to comply with the requirements of subsection (c) above shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure/refusal.

\*\*Agency Note:--The caretaker relative is sent a written notice advising of the scheduled appointment/interview/court proceeding at least ten (10) days prior to such meeting.

\*\*Agency Note:--The term "sanctions" or "sanctioning process" refers to the discontinuance of financial and medical assistance to the caretaker relative for as long as he/she fails/refuses to cooperate with the Child Support Enforcement requirements listed in Section 160.30(e)(1) thru (e)(4).

\*\*Agency Note:--In the case of a caretaker relative who was sanctioned for missing an interview/appointment (without a valid reason), if the caretaker relative indicates that he/she is now willing to cooperate, a new appointment/interview will be scheduled as soon as possible, but no later than three (3) weeks from the date

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 160.30(f) (continued)

the Bureau of Child Support Enforcement is notified that the caretaker relative wishes to cooperate, in the case of a caretaker relative who was sanctioned for not appearing at a court proceeding (without a valid reason), if the caretaker relative indicates that he/she is now willing to cooperate, the Department's legal representative will obtain a new court date. The Department is legal representative will attempt to have the matter set for the earliest available court date.

(Source: Amended at 16 Ill. Reg. 9997, effective June 15, 1992)



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: FOOD STAMPS

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Adopted Action:

121.58 Amendment  
121.63 Amendment  
121.72 Amendment  
121.73 Amendment  
121.91 Amendment  
121.94 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 121.58

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 thru 12-4.6 and 12-13)

89 Ill. Adm. Code 121.63

Sections 12-4.4 through 12-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-6 and 12-13)

89 Ill. Adm. Code 121.72 and 121.73

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 thru 12-4.6 and 12-13)

89 Ill. Adm. Code 121.91 and 121.94

Sections 12-4.4 thru 12-4.6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 thru 12-4.6)

5) Effective Date of Adopted Amendments: June 15, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? Not applicable

8) Date Filed in Agency's Principal Office: June 15, 1992

9) Notice of Proposals Published in Illinois Register:

89 Ill. Adm. Code 121.58, 121.72 and 121.73

February 14, 1992 (16 Ill. Reg. 2420)

89 Ill. Adm. Code 121.63

December 20, 1991 (15 Ill. Reg. 18086)

89 Ill. Adm. Code 121.91

October 4, 1991 (15 Ill. Reg. 14186)

89 Ill. Adm. Code 121.94

October 18, 1991 (15 Ill. Reg. 14999)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of the amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect?

89 Ill. Adm. Code 121.58, 121.72, 121.73, 121.91 and 121.94

No.

89 Ill. Adm. Code 121.63

Yes. Emergency Amendments were adopted effective January 1, 1992 at 16 Ill. Reg. 757.

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

121.25 Amendment June 5, 1992 (16 Ill. Reg. 8898)

121.34 Amendment May 29, 1992 (16 Ill. Reg. 8039)



ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

121.63 Amendment April 24, 1992  
(16 Ill. Reg. 6708)

15) Summary and Purpose of Adopted Amendments:

89 Ill. Adm. Code 121.58

Assets of a household member who receives AFDC or SSI benefits are exempt under the Food Stamp program if they are exempt under the AFDC or SSI program (7 CFR 273.8).

89 Ill. Adm. Code 121.63

This rulemaking increases the State Telephone Standard from \$18.00 to \$27.00 and the State Utility Standard from \$181.00 to \$190.00.

89 Ill. Adm. Code 121.72 and 121.73

This rulemaking deletes individuals disqualified for non-compliance with work registration requirements from the list of individuals who are classified as nonhousehold members and now classifies them as ineligible household members.

89 Ill. Adm. Code 121.91

This rulemaking extends the scheduled due date for monthly reports from 5 days to 7 days following the fiscal month of report. This rulemaking also extends the time period for reinstatement for households that delay in providing a completed report until after the scheduled due date until the household has been terminated. The present rule does not allow these extensions.

89 Ill. Adm. Code 121.94

Pursuant to federal regulations (7 CFR 273.17), this rulemaking restricts criteria for the replacement of food stamp coupons destroyed in a household disaster to require that the request for replacement be made within ten days of the disaster and limit the replacement of destroyed coupons to twice in a six month period.

16) Information and questions regarding these Adopted Amendments shall be directed to:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Name: Judy Umunna  
Bureau of Rules and Regulations  
Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762  
Telephone: 217/524-3215

The full text of the Adopted Amendments begins on the next page:



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Disqualification
121.27	Voluntary Job Quit
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989-1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill.

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Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 22, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg.



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7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15251, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.58 Exempt Assets

## a) Homestead Property

- 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
- 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitation caused by casualty or natural disaster, remain exempt if the household intends to return.
- 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.

## b) Personal Property

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual(s).

## c) Income Producing Property

- 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
- 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the



## Section 121.58(c)(2) (continued)

self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one (1) year period beginning on the date such member ceases to be self-employed in farming.

- 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by the preceding subsection (1).

## d) Governmental Disaster Payments

Any governmental payments specifically designated for the restoration of a home damaged in a disaster (if the household is subject to a legal sanction if the funds are not used as intended).

## e) Inaccessible Assets

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price, or
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent.
- 6) Non-liquid asset(s) (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset(s).

## f) Prorated Income

## Section 121.58(f) (continued)

Money which has been prorated as income, such as income of self-employed persons or students.

## g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

## h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

## i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat.  
"Used primarily" means: used over 50% of the time the vehicle is used;

- 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);

- 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);

- 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);

- 5) used as the household's home; or

- 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specifically equipped or used primarily for the transportation of the disabled individual.

\*Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.

- 7) The equity value (but not fair market value) of



Section 121.58(i)(7) (continued)

- one licensed vehicle per household, regardless of its use; and
- 8) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption.
- 9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) above.

11) Assets of an AFDC or SSI household member

All assets of a household member who receives AFDC or SSI benefits provided the assets are exempt for AFDC or SSI purposes.

(Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions From Monthly Income

The following deductions shall be allowed in the determination of the adjusted net monthly food stamp income:

- a) Earned income Deduction  
Eighty percent of total gross earned income is considered. (See 89 Ill. Adm. Code 121.40 through 121.54 for a description of earned income.)
- b) Standard Deduction  
One hundred and twenty-two dollars (\$122.00) per household per month.
- c) Dependent Care Deduction

Section 121.63(c) (continued)

- 1) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.

d) Shelter Costs Deduction

- 1) Shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (a), (b) and (c) have been made. The shelter deduction shall not exceed \$194.00.
- 2) If the household contains a member who is elderly or disabled as defined at 7 CFR 271.2 (1990) and Section 121.61 "Gross Monthly Income Eligibility Standards", there is no limit on the amount of excess shelter deduction.

3) Shelter costs include only the following:

- A) Continuing charges for the shelter occupied by the household (rent, mortgage, and other charges leading to the ownership of the shelter, including interest on such charges).
- B) Property taxes, State and local assessments and insurance on the structure itself.
- C) Utility Costs
  - i) Include the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees; basic service fee for one telephone (including tax on the basic fee) of \$18.00-\$27.00; and fees charged by the utility provider for initial installation. Utility deposits are not utility costs.



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## Section 121.63(d)(3)(C) (continued)

- ii) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$18.00-\$27.00. Households living in rental housing who are billed on a regular basis by a landlord for heating and/or air conditioning costs may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating and/or air conditioning is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$18.00-\$27.00 per month is allowed. The client that maintains the same residence may not switch between the standard utility allowance and actual utility costs for a period of twelve months from the time of initial certification and no more frequently than once every twelve (12) months thereafter.

- iii) However, during the heating or cooling season, a household that is billed less often than monthly for its heating and/or air conditioning costs but is otherwise eligible to use the standard utility allowance may continue to use the standard utility allowance between billing months.

- iv) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined

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## Section 121.63(d)(3)(C)(iv) (continued)

at 7 CFR 273.1(a)(1990) live together, the standard utility allowance shall be divided equally among the households which contribute toward the utility costs whether or not each household participates in the program.

- v) Households whose heat and/or air conditioning expense is covered by indirect energy assistance payments (Illinois Home Energy Assistance Program §47 Ill. Adm. Code 100.1) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) §(1990)). The provisions of subsection (ii) above, are applicable to households whose heating and/or air conditioning expense(s) are covered by indirect energy assistance payments.

- D) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$18.00-\$27.00 per month limitation for telephone expense.

- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if, the household intends to return to the home; the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and the home is not leased or rented during the absence of the household.

- 5) Charges for Repair-repair of the home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.



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NOTICE OF ADOPTED AMENDMENTS

Section 121.63 (continued)

e) Excess Medical Deductions

A deduction for excess medical expenses for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.6) "Gross Monthly Income Eligibility Standards". The medical expenses incurred by the qualifying household member which are over \$35 will be deducted if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.72 Nonhousehold Members

Any of the following persons who reside with a food stamp household shall not be considered household members, but such persons may, if otherwise eligible, participate in the program as separate households:

- a) Roomers--Individuals to whom a household furnishes lodging, but not meals, for compensation;
- b) Live-in-attendants--Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services;
- c) Students who fail to meet student eligibility requirements in Section 121.75; and
- d) ~~Individuals disqualified for non-compliance with work-registration requirements of Section 121.23.~~
- e) ~~1) Other--Individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household. This does not include individuals under eighteen years of age, except foster children, who are under the parental control of a household member, siblings, a spouse of a household member, or parents and children of any age living together unless:~~
  - 1) at least one parent or sibling, meets the definition of a qualifying member as defined in

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Section 121.72(d)(1) (continued)

Section 121.61 and purchases food and prepares meals separately; or

2) is an elderly disabled person as defined in Section 121.70; or

3) is a parent with minor children living with a parent and/or sibling and purchases and prepares meals separately as defined in Section 121.70.

(Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

Section 121.73 Ineligible Household Members

The income and assets of ineligible household members, not eligible to participate in the Food Stamp program, are used in determining eligibility and level of benefits for the remaining eligible household members. The following are ineligible household members:

- a) Individuals disqualified for intentional violation of the program, and
  - b) Individuals excluded:
    - 1) For refusal to meet the SSN requirements of Section 121.22--~~or~~
    - 2) As an ineligible alien--~~or~~
    - 3) For failure to comply with work registration requirements.
  - e) ~~Workfare-sanctioned-individuals-~~
- (Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.91 Monthly Reporting

- a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance



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## Section 121.91(a) (continued)

benefits under the Aid to the Aged, Blind or Disabled Program as either an Aged, Blind, or Disabled case are excluded from monthly reporting.

b) The following Food Stamp households are required to report monthly:

- 1) all households having at least one member receiving earned income (See Section 121.40(b));
- 2) households having at least one member receiving Unemployment Insurance Benefits (UI);
- 3) households having at least one member who has lost employment within the last three (3) months.

c) Migrant households in the migrant job stream do not have to report monthly.

d) The report shall include:

- 1) income, allowable deductions, household composition and other circumstances relevant to the amount of the food stamp allotment; and
- 2) changes in income, allowable deductions, resources or other relevant circumstances affecting eligibility which the household expects to occur in the current month or future months or which occurred in the budget month.

e) With monthly reporting, the household is required to provide verification of the following information each month:

- 1) gross earned income (e.g. pay stubs);
- 2) sponsored aliens must report the income and resources of their sponsor and the sponsor's spouse (the failure to so report will result in one of the actions specified in subsection (f)(4)); and
- 3) questionable information (Information is considered questionable if information on the Monthly Report does not agree with statements of

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## Section 121.91(e)(3) (continued)

the recipient, other information on the Monthly Report or other information received by the local office).

f) The household is required to provide verification of the following information each month if the information has changed since the last report:

- 1) gross unearned income (e.g. award letters or written statements from the income source);
  - 2) alien status/citizenship (e.g. alien registration cards or birth certificates);
  - 3) social security number (e.g. Social Security cards);
  - 4) utility expenses when actual utilities are used to determine benefits and expenses have changed; and
  - 5) total medical expenses of a qualifying member, if changed by more than \$25.
- g) If the household does not provide the required verifications, the following actions are taken:
- 1) earned income - the Monthly Report is considered incomplete and Food Stamp benefits are suspended;
  - 2) utility expenses - when actual utilities are used the amount from the previous month is allowed if no change is reported. Utility expenses are not allowed when determining eligibility and the level of benefits if a change is reported and verification is not provided. However, if the household incurs a telephone expense, the Department will allow the State Telephone Standard (see Section 121.63). Submittal of a monthly bill is not required;
  - 3) medical expenses - the Department will allow the amount from the previous month if a change of more than \$25 is not reported. If a change of more than \$25 is reported and verification is not provided, a deduction is not allowed.



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## Section 121.91(g) (continued)

## 4) all other required verifications:

- A) benefits are decreased if the unverified reported change results in a decrease; or
- B) if benefits would increase as a result of the unverified reported change then no action is taken.

## h) See Section 121.63(e) for definition of qualifying member.

## i) All Food Stamp households which must report monthly shall have benefits calculated by considering income and attendant circumstances on a retrospective basis.

## j) The Monthly Report must be received or postmarked by the seventh (7th) day of the next fiscal month or the first workday following the 7th day of the next fiscal month when the 7th is a Saturday, Sunday or holiday. If a household files a complete report after the scheduled due date but before the household has been terminated, the household shall be reinstated if determined eligible, fifth (5th) day after the fiscal month following the budget month, --- if an eligible household which has been terminated for failure to file a complete report files a complete report after the final deadline, but before the end of the corresponding payment month, the household shall be reinstated, if determined eligible. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".)

## k) At recertification the household must complete an Addendum to the monthly report. This Addendum along with the monthly report form is the application for recertification.

## l) In lieu of a monthly report, General Assistance (GA) recipients in the City of Chicago who are Food Stamp Heads of Households must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420). The review will cover those elements specified in subsection (c), above.

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## Section 121.91(1) (continued)

Verifications of eligibility factors will be required as specified in (d), above. This review is in addition to regular recertification which will occur once every 12 months.

(Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

Section 121.94 Replacement of Food Stamp Coupons ~~or~~ AFP- Documentsa) ~~Feed-Stamp-Coupons~~

1) a) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Department shall replace the coupons in an amount equal to the value of the improperly manufactured or mutilated coupons. A coupon cannot be replaced if less than three-fifths of the coupon is presented by the household.

2) ~~if a household requests replacement of coupons which were received but subsequently destroyed in a household disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten (10) days of the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six month period.~~

b) If a household requests replacement of food stamp coupons which were received but subsequently destroyed in a household disaster, and the request is made within ten days of the disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten (10) days of the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six month period.

3) c) Replacement food stamp coupons shall not be



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## Section 121.94(c) (continued)

issued for coupons that are lost, misplaced or stolen.

## b) ATP-Deenments

if-a-household-requests-replacement-of-a-lost-or-stolen-ATP-the-Department-shall-replace-the-ATP-if-the-original-is-reported-destroyed-in-a-household-disaster-or-stolen-during-its-effective-month-and-if-the-participant-household-signs-an-affidavit-stating-that-the-original-ATP-will-be-returned-to-the-Department-if-it-is-recovered---A-replacement-may-be-authorized-for-a-destroyed-ATP-once-in-a-six-month-period---Replacement-of-a-stolen-ATP-is-limited-to-one-in-a-six-month-period

(Source: Amended at 16 Ill. Reg. 10011, effective June 15, 1992)

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## NOTICE OF ADOPTED AMENDMENTS

## 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Adopted Action:

120.80

Amendment

4) Statutory Authority: Sections 11-28 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, Ch. 23, Pars. 11-28 and 12-13)

5) Effective Date of Adopted Amendments: June 15, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 15, 1992

9) Notices of Proposal Published in Illinois Register:

November 22, 1991 (15 Ill. Reg. 16856)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of the Amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

120.11

Amendment

November 15, 1991  
(15 Ill. Reg. 16625)

120.31

Amendment

November 15, 1991  
(15 Ill. Reg. 16625)



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

120.60 Amendment November 15, 1991  
(15 Ill. Reg. 16625)

120.64 Amendment November 15, 1991  
(15 Ill. Reg. 16625)

120.382 Amendment November 15, 1991  
(15 Ill. Reg. 16625)

120.384 Amendment May 22, 1992  
(16 Ill. Reg. 7761)

120.390 Amendment November 15, 1991  
(15 Ill. Reg. 16625)

120.391 Amendment November 15, 1991  
(15 Ill. Reg. 16625)

15) Summary and Purpose of Adopted Amendments: This rulemaking provides for the restriction of a client's medical usage, without a review of use of services, if the client has loaned or altered their medical card, misrepresented medical coverage, has been found to be in possession of blank prescription pads, or has assisted a provider in defrauding the Department. The rule as currently written could imply that medical usage must be reviewed prior to restriction. This change clarifies the rule in accordance with the language of the statute, (Section 11-26 of the Public Aid Code).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Bureau of Rules and Regulations

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64 Pregnant Women and Children Under Age Six Years Who Do Not Qualify As Mandatory Categorically Needy



## NOTICE OF ADOPTED AMENDMENTS

Section  
120.65

Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70

Supplementary Medical Insurance Benefits, Buy-In Program

120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)

120.74 Qualified Medicare Beneficiary (QMB) Income Standard

120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80

Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90  
120.91

Migrant Medical Program  
Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200

Elimination Of Aid To The Medically Indigent  
Client Cooperation (Repealed)

120.208 Citizenship (Repealed)

120.210 Residence (Repealed)

120.211 Age (Repealed)

120.212 Relationship (Repealed)

120.215 Living Arrangement (Repealed)

120.216 Supplemental Payments (Repealed)

120.217 Institutional Status (Repealed)

120.218 Foster Care Program (Repealed)

120.225 Social Security Numbers (Repealed)

120.230 Unearned Income (Repealed)

120.235 Exempt Unearned Income (Repealed)

120.236 Education Benefits (Repealed)

120.240 Unearned Income In-Kind (Repealed)

120.245 Earmarked Income (Repealed)

120.250 Lump Sum Payments and Income Tax Refunds (Repealed)

120.255 Protected Income (Repealed)

120.260 Earned Income (Repealed)

120.261 Budgeting Earned Income (Repealed)

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Section

120.262 Exempt Earned Income (Repealed)

120.270 Recognized Employment Expenses (Repealed)

120.271 Income From Work/Study/Training Program (Repealed)

120.272 Earned Income From Self-Employment (Repealed)

120.273 Earned Income From Roomer and Boarder (Repealed)

120.275 Earned Income In-Kind (Repealed)

120.276 Payments from the Illinois Department of Children and Family Services (Repealed)

120.280 Assets (Repealed)

120.281 Exempt Assets (Repealed)

120.282 Asset Disregards (Repealed)

120.283 Deferral of Consideration of Assets (Repealed)

120.284 Spend-down of Assets (AMI) (Repealed)

120.285 Property Transfers (Repealed)

120.290 Persons Who May Be Included in the Assistance Unit (Repealed)

120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section

120.308 Client Cooperation

120.309 Caretaker Relative

120.310 Citizenship

120.311 Residence

120.312 Age

120.313 Blind

120.314 Disabled

120.315 Relationship

120.316 Living Arrangements

120.317 Supplemental Payments

120.318 Institutional Status

120.319 Assignment of Rights to Medical Support and Collection of Payment

120.320 Cooperation in Establishing Paternity and Obtaining Medical Support

120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support

120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support

120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause

120.324 Foster Care Program

120.325 Social Security Numbers

120.330 Unearned Income

120.332 Budgeting Unearned Income

120.335 Exempt Unearned Income

120.336 Education Benefits



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Section	
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Assessment of Assets
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989
120.386	Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Under Age Eight
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility

**AUTHORITY:** Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989) 12-13, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13)

**SOURCE:** Filed effective December 30, 1977; peremptory

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amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective



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March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8142, 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective October 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987;

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amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill.



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Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program

a) The Recipient Restriction Program (RRP) shall identify recipients who unnecessarily utilize medical services. When the Department determines, on the basis of statistical norms and the medical judgement of physicians and/or pharmacologists, that a Medicaid recipient has received medical services that are not medically necessary or in such a manner as to constitute an abuse of medical privileges, the decision to restrict a recipient to a Primary Care Physician and/or Primary Care Pharmacy will be made. RRP applies to all medical assistance programs administered by the Department.

b) Primary and Secondary Sources of Recipient Identification

1) The primary source of recipient identification shall be the Surveillance and Utilization Review Subsystem (SURS) of the Medicaid Management Information System (MMIS). On a quarterly basis, SURS analyzes the entire Medicaid population, determines medical usage per recipient and will identify recipients with usages in excess of the quarterly established norm of recipients in the same category of assistance and like demographic areas.

2) Secondary sources of identification shall be incoming referrals, such as referrals from medical providers, law enforcement officials or members of the general public. All referrals shall be reviewed and analyzed. Recipients found to have loaned or altered their medical cards for the purpose of obtaining medical benefits for which they or other persons are not legitimately entitled; falsely represented medical coverage; found in possession of blank or forged

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Section 120.80(b)(2) (continued)

prescription pads; or who knowingly assisted providers in rendering excessive services or defrauding the Medical Assistance Program shall be identified-for-restriction-restricted.

c) Once a recipient is identified, medical usage based on diagnoses and/or medical condition for the nine months preceding identification shall be reviewed. Medical Assistance Consultants, licensed physicians and/or pharmacologists will determine if the recipient should be restricted due to the medical services received being not medically necessary. Each recipient to be restricted will be notified in writing. Such notification shall provide twenty-one (21) calendar days for the recipient, grantee or caretaker relative to cooperate by completing and returning to the Department, a form which designates a Primary Care Physician and/or Primary Care Pharmacy; or the selection of a Health Maintenance Organization (HMO). Upon receipt of the selected provider, the Department will review the choice of the primary care physician to ensure that the designated primary care physician is a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches; is a properly registered Medicaid provider in good standing with the Department; per the physician registration is enrolled to provide physician services with the Department; and is willing to serve as the primary care physician. The recipient will be informed that the selection of a Health Maintenance Organization will apply to the entire family unit. This notice will also contain a statement relating to the necessity of services consistent with the findings of the professional consultants; a statement advising them of their right to appeal; a toll-free number to call for information; and a statement of the Department's right to designate a Primary Care Provider if the recipient fails to do so.

d) Department Designated Primary Care Physician and/or Primary Care Pharmacy

1) If the recipient, grantee or caretaker relative does not respond to the notice by either designating a Primary Care Physician and/or Primary Care Pharmacy or HMO as directed, or by filing an appeal, then a physician and/or



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## NOTICE OF ADOPTED AMENDMENTS

## Section 120.80(d)(1) (continued)

pharmacy will be designated by the Department for the recipient. The Department will not designate an HMO.

- 2) The Department will select one physician and/or one pharmacy who recently provided services to the recipient and who agrees to serve as the recipient's Primary Care Physician and/or Primary Care Pharmacy. If none of these providers agree to serve as the Primary Care Physician and/or Primary Care Pharmacy, the Department shall designate another physician and/or pharmacy who agrees to serve in that capacity and whose medical offices are in reasonable geographical proximity to the recipient's home. The criteria used by the Department in designating a primary care physician will be identical to those enumerated in subsection (c) above.

- e) Recipient, Grantee or Caretaker Relative Designated Primary Care Physician and/or Primary Care Pharmacy

- 1) A recipient, grantee or caretaker relative designating a Primary Care Physician and/or Primary Care Pharmacy must do so in writing. Such designation shall be submitted to the Department. The Department shall verify with the physician and/or pharmacy their willingness to be Primary Care Physician and/or Primary Care Pharmacy for the recipient. The restriction will be effective with the next regular issuance of the Medical Eligibility Card.

- 2) Types of Services Provided or Authorized

- A) Once restricted, the Medical Eligibility Card shall display the program restriction code and the name of the Primary Care Physician and/or Primary Care Pharmacy on the front of the card with the name of the restricted recipient. The card will also contain a notice that emergency services will not be restricted. If restricted to a Primary Care Physician, the Primary Care Physician must provide or authorize the following ambulatory care services for the

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## NOTICE OF ADOPTED AMENDMENTS

## Section 120.80(e)(2)(A) (continued)

restricted recipient before the Department will render payment for the services:

- i) Clinic
- ii) Laboratory
- iii) Outpatient Hospital
- iv) Pharmacy
- v) Physician
- vi) Podiatric

- B) The Primary Care Pharmacy must supply all prescriptions. Authorization to obtain prescriptions from any other source will only be approved in such instances when a specific item is not part of the Primary Care Pharmacy's inventory and cannot be acquired through the Primary Care Pharmacy.

- 3) Other covered services may be provided by a qualified provider in the Department's Medical Program.

f)

In lieu of a Primary Care Physician and/or Primary Care Pharmacy, the recipient for whom restriction is required may designate, in written form, a Health Maintenance Organization (HMO). If a recipient is restricted to an HMO and disenrolls within the four quarter time period for restriction, a Primary Care Physician and/or Primary Care Pharmacy for the recipient shall be selected immediately by the recipient, grantee or caretaker relative. If the recipient, grantee or caretaker relative fails to select a Primary Care Physician and/or Primary Care Pharmacy within twenty-one (21) calendar days after written notification, the Department will designate a Primary Care Provider for the recipient in accordance with subsection (d)(2). During the interim period, an emergency medical card will be issued if necessary.

- g) Changing the Designated Primary Care Physician and/or Primary Care Pharmacy



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## Section 120.80(g) (continued)

- 1) A recipient may change his/her designation of a Primary Care Physician and/or Primary Care Pharmacy once every six (6) months. The recipient may change his/her designated provider more frequently if one of the following circumstances is verified:

- A) Change of recipient's residence from the geographic area of the Primary Care Physician and/or Primary Care Pharmacy.
  - B) Change in the recipient's medical condition which the Primary Care Physician is unable to treat or refer to another provider.
  - C) Death of the Primary Care Physician.
  - D) Disenrollment of the Primary Care Physician and/or Primary Care Pharmacy from the Medical Assistance Program.
  - E) Notice from the Primary Care Physician and/or Primary Care Pharmacy that they will no longer serve as the Primary Care Provider.
- 2) The Department will notify the recipient in writing if the Primary Care Physician and/or Primary Care Pharmacy has disenrolled as a provider of Medicaid services or if the provider notifies the Department of their unwillingness to continue to serve as the recipient's Primary Care Provider.
- 3) Changes in designated Primary Care Physician and/or Primary Care Pharmacy shall be processed effective with the next regular issuance of the Medical Eligibility Card. A temporary medical card will be issued if necessary.

## h) Length of Restriction

- 1) Once recipients are restricted they remain in restriction for a minimum of four full quarters. If restricted recipients transfer to a different assistance unit, the restriction will be processed to follow the recipient. If a restricted recipient becomes inactive and is

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## Section 120.80(h)(1) (continued)

subsequently reactivated, the restriction will be reactivated until such time as four full quarters have elapsed.

## 2) Reevaluation of the Recipient's Medical Usage

- A) When a recipient has had his/her medical card restricted for four full quarters, the Department shall reevaluate the recipient's medical usage to determine whether the recipient continues to receive medical services that are not medically necessary. The Department shall evaluate each case not later than eighteen months after the effective date of restriction. If the recipient is still receiving medical services that are not medically necessary, the restriction shall be continued for another four full quarters. If the recipient no longer is receiving medical services that are not medically necessary, the restriction shall be discontinued. A "quarter", for purposes of this Section, shall be defined as one of the following three-month periods of time: January-March, April-June, July-September or October-December.

- B) If necessary to determine if medical services that are not medically necessary are still being received, the Department shall obtain a complete copy of the recipient's medical record from the Primary Care Physician. The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed physician and/or pharmacologist to determine if the level of medical services is necessary.

- C) If the decision is to release the recipient from restriction, such release will be processed effective with the next regular issuance of the Medical Eligibility Card so that the card no longer displays a program restriction code or a physician's and/or pharmacy's name for the recipient.



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## Section 120.80(h)(2) (continued)

D) If the services are determined to be medically unnecessary, the recipient will be notified in writing of the continued restriction as set forth in subsection (c) above. Such notification shall provide twenty-one (21) calendar days for the recipient, grantee or caretaker relative to cooperate by completing and returning to the Department a form which designates a new Primary Care Physician and/or Primary Care Pharmacy; or the selection of a Health Maintenance Organization. In the event the Department is not provided with a response within the twenty-one (21) calendar day period, a Primary Care Physician and/or Primary Care Pharmacy will be designated by the Department in accordance with subsection (d)(2).

3) If the restriction is continued, the recipient shall continue to be restricted for an additional four full quarters. Subsequent to this four quarter period, a review will be conducted in accordance with subsection (h)(2).

i) Recipients have the right to appeal inclusion in the program. (See 89 Ill. Adm. Code 102.80 thru 102.84).

(Source: Amended at 16 Ill. Reg. 10034, effective June 15, 1992)

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## NOTICE OF ADOPTED AMENDMENTS

## 1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Adopted Action:  
140.27 Amendment

4) Statutory Authority: Section 11-3 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 11-3), as amended by P.A. 87-13

5) Effective Date of Adopted Amendments: June 5, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 5, 1992

9) Notice of Proposal Published in Illinois Register:

January 3, 1992 (16 Ill. Reg. 65)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: According to agreements between the Department and JCAR, the following changes have been made.

In the Authority Notes, the date "1989" has been changed to "1991".

In subsection (c) of the rulemaking, "he" has been changed to "he/she".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? Yes



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	May 1, 1992 (16 Ill. Reg. 6936)
140.13	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.14	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.15	Amendment	May 22, 1992 (16 Ill. Reg. 7775)
140.16	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.16	Amendment	May 29, 1992 (16 Ill. Reg. 8047)
140.17	Amendment	May 29, 1992 (16 Ill. Reg. 8047)
140.19	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.31	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.32	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.33	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.413	Amendment	April 24, 1992 (16 Ill. Reg. 6719)
140.421	Amendment	May 15, 1992 (16 Ill. Reg. 7576)
140.526	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.527	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.528	Repealed	January 10, 1992 (16 Ill. Reg. 472)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.529	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.539	Amendment	January 10, 1992 (16 Ill. Reg. 472)
140.543	Amendment	February 28, 1992 (16 Ill. Reg. 3045)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.566	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.579	Amendment	March 6, 1992 (16 Ill. Reg. 3409)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.700	Amendment	May 15, 1992 (16 Ill. Reg. 7576)

15) Summary and Purpose of Adopted Amendments: These rules implement a portion of P.A. 87-13 which makes it clear that a provider can assign, reassign, sell, pledge or grant a security interest in payments due the provider to the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Illinois Health Facilities Authority in connection with a financing program undertaken by the Authority.

16) Information and questions regarding these Adopted Amendments shall be directed to:

## Name:

Joanne Jones  
Bureau of Rules and Regulations

## Address:

Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

## Telephone:

(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under GA  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

## Section

- 140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
140.13 Definitions  
140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program



## DEPARTMENT OF PUBLIC AID

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Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER PARTICIPATION FEES

Section	
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section	
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services



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Section	
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
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140.460	Clinic Services
140.461	Clinic Participation Requirements (Emergency Expired)
140.462	Covered Services in Clinics (Emergency Expired)
140.463	Encounter Rate Clinic Payment (Emergency Expired)
140.464	Psychiatric Clinics (Hospital-based)
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Section	
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
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140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
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140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichesk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

SUBPART E: GROUP CARE

Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
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140.511	Services Provided Without Charge
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140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
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140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
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140.555	Minimum Wage
140.560	Components of the Base Rate Determination
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140.563	Capital Costs
140.565	Incentive Payments for Quality Care (Repealed)

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Section	
140.566	Level I Incentive Payments (Repealed)
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Long Term Care and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description
140.850	



## DEPARTMENT OF PUBLIC AID

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Section	
140.855	Definition of Terms
140.860	Covered Services
140.865	Sponsor Qualifications
140.870	Sponsor Responsibilities
140.875	Department Responsibilities
140.880	Provider Qualifications
140.885	Provider Responsibilities
140.890	Payment Methodology
140.895	Contract Monitoring
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

## SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)

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Section	
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.TABLE A	Medichesk Recommended Screening Procedures (Repealed)
140.TABLE B	Health Service Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping
140.TABLE K	Services Qualifying for 10% Add-On
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory



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amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 16312, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10

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Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 10 Ill. Reg. 21784, effective December 19, 1986; amended at 10 Ill. Reg. 1418, effective December 31, 1986; amended at 10 Ill. Reg. 2323, effective January 16, 1987; amended at 10 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.90 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Reg. 6956; amended at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990;

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amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

## Section 140.27 Assignment of Vendor Payments

- a) Except as provided in subsections (b) and (c) below, vendor payments and the right to receive such payments are absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.
- b) A medical vendor may use his right to receive vendor payments as collateral for loans from banks, credit



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## Section 140.27(b) (continued)

- unions, and savings and loan associations chartered under or trust companies issued certificates of authority under Chapter 17 of the Illinois Revised Statutes, provided that such arrangements:
- 1) shall not require the Department to issue the payment directly to any person or entity other than the vendor; and
  - 2) shall not constitute any activities prohibited by the provisions of 42 U.S.C.A. 1396(a)(32) (1983) and Section 140.26 ("Payment to Factors Prohibited").
- c) A medical vendor or other vendor or service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payment or money payments of grants he/she has a right to receive to the Illinois Health Facilities Authority in connection with any financing program undertaken by such Authority, or to an agent or trustee accepting, accomplishing, effectuating or realizing upon any such assignment, reassignment, sale, pledge or grant on such Authority's behalf; and such arrangements may provide that the Department shall issue the payment directly to the Illinois Health Facilities Authority or to any such agent or trustee.

(Source: Amended at 16 Ill. Reg. 10050, effective June 5, 1992)

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## NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Public Building Construction
- 2) Code Citation: 71 Ill. Adm. Code 2000
- 3) 

<u>Section numbers:</u>	<u>Adopted Action:</u>
2000.45	Amendment
2000.100	Amendment
2000.210	Amendment
2000.250	Amendment
2000.320	Amendment
2000.340	Amendment
2000.410	Amendment
2000.430	Amendment
2000.500	Amendment
2000.520	Amendment
2000.540	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, and 6-1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, pars. 132.5, 132.6 and 132.6-1)
- 5) Effective Date of Amendment: June 15, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 15, 1992
- 9) Notice of Proposal Published in Illinois Register:  
16 Ill. Reg. 1511 - January 24, 1992
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
  1. Updated main source note.
  2. In Section 2000.340(a), last line, changed "hereof" to "of this Section".
  3. Updated the Illinois Revised Statute citation in Sections 2000.500(f) and 2000.520.
  4. In Section 2000.540(b) added "(Ill. Rev. Stat. 1991, ch. 48, par. 39s-2)".



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5. Deleted all proposed new text from Section 2000.245, thereby eliminating that Section.
6. Added the following text to Section 2000.340(1):  
  
Criteria for rejection of a bid due to the failure of the bidder to provide any information which was requested in the Invitation for Bid could include, but not necessarily be limited to:
  1. The difference in price between the bid received from this non-responsive bidder.
  2. The time and effort required to obtain such information from the non-responsive bidder.
7. Added the following clarifying text to the first sentence of Section 2000.430: ", such as labor, postage, photocopies, etc."
8. In Section 2000.100 deleted the word "may".
9. In Section 2000.430 put a comma between the words "labor" and "postage".
10. In Section 2000.520 deleted the word "to" and replaced it with the word "through" in the first sentence. In the second sentence added the words "on or" after the word "signed" and deleted the word "past" and replaced it with the words "on or after".
- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are for the purpose of clean-up, correction of errors and other amendments which reflect changes in policy and procedures.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers  
Assistant Counsel  
298 Centennial Building  
Springfield, Illinois 62706  
(217)785-3094

The full text of the Adopted Amendments begins on the next page:

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER IV: SECRETARY OF STATE

## PART 2000

## PUBLIC BUILDING CONSTRUCTION

## SUBPART A: GENERAL

Section	Policy
2000.5	Applicability
2000.10	Definitions
2000.15	Prequalification
2000.20	Beneficial Interest
2000.25	Suspension
2000.30	Causes for Suspension
2000.35	Debarment
2000.40	Bid Opening
2000.45	Proprietary Information
2000.50	The Illinois Purchasing Act
2000.55	

## SUBPART B: BID SUBMISSIONS

Section	Invitation for Bid
2000.100	Contents of Invitation for Bids
2000.110	Time and Place to Submit Bids
2000.120	Submission of Bids
2000.130	Change or Withdrawal of Bid
2000.140	Submission Binding
2000.150	Bid Reservations
2000.160	Bidder Must be Responsible
2000.170	

## SUBPART C: RESPONSIBILITY

Section	Determination by Procuring Agency
2000.200	Proof of Responsibility
2000.205	Standards of Responsibility
2000.210	New Bidders
2000.215	Security Required
2000.220	Form of Security
2000.225	Amount
2000.230	Subsequent Requirement
2000.235	Security Allowances
2000.240	Annual Security
2000.245	Return of Security
2000.250	Recording
2000.255	



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SUBPART D: AWARDING OF BIDS AND REJECTION

Section	Award
2000.300	Delay in Award
2000.310	Cancellation of Invitation
2000.320	Notice of Cancellation
2000.330	Rejection of Individual Bids
2000.340	Minor Irregularities or Irregularities in Bids
2000.350	Time of Award
2000.360	General
2000.370	

SUBPART E: MISTAKES AND ERRORS

Section	Apparent Clerical Mistake
2000.400	Other Mistakes Disclosed Before Award
2000.410	Processing Mistakes
2000.420	Incorrect Procedures
2000.430	

SUBPART F: TERMS AND CONDITIONS

Section	Terms and Conditions of Transactions
2000.500	Modification
2000.510	Fiscal Year Contracting
2000.520	Contracts Spanning Fiscal Years
2000.530	Prevailing Wage Required
2000.540	Full Compliance
2000.550	Cancellation for Material Breach of Contract
2000.560	Cancellation for Fraud, Collusion, Illegality, Etc.
2000.570	Withholding Monies to Compensate State for Damages
2000.580	Damages
2000.590	

SUBPART G: PROTESTS

Section	General
2000.600	Time/Place for Protest or Objections
2000.610	Suspension of Award
2000.620	Evaluation of Protest or Objection
2000.630	No Rights Conferred
2000.640	Attempt to Influence Award
2000.650	Collusive Bids
2000.660	

SUBPART H: MISCELLANEOUS

Section	Identical Bids
2000.700	Severability
2000.710	

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AUTHORITY: Implementing and authorized by Sections 5, 6, and 6-1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, pars. 132.5, 132.6, and 132.6-1).

SOURCE: Adopted at 9 Ill. Reg. 174, effective December 24, 1984; amended at 10 Ill. Reg. 19104, effective October 27, 1986; amended at 16 Ill. Reg. 10068, effective June 15, 1992.

NOTE: Capitalization denotes statutory language.

Section 2000.45 Bid Opening

a) Bids will be opened on the date and at the time and place specified in the bid solicitation. The opening of all bids shall be done publicly.

b) All sealed bids and sealed proposals and, where appropriate, negotiations received prior to the time set for opening, shall be opened in public at the date, time, and place specified and, when bidders are present, the record or abstract shall be read:

The public bid opening shall be conducted and witnessed by not less than two (2) employees of the Secretary of State Purchasing Department. One shall open and read the bid prices aloud, while the other witnesses and records the abstract of bids. This public bid opening shall be open to anyone who wants to attend and witness the proceeding.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992)

SUBPART B: BID SUBMISSIONS

Section 2000.100 Invitation for Bid

The Secretary of State will advertise the bid in the official State Newspaper in accordance with requirements contained in the Illinois Purchasing Act, and may use the list of prequalified Bidders of the Capital Development Board (44 Ill. Adm. Code 950). Bidders who have failed on two consecutive occasions to return the bid form without bidding will not ordinarily be sent a bid form on the next occasion, unless the Bidder has shown in a letter to the Director of Purchasing that it wishes to be sent a bid form.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992)



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SUBPART C: RESPONSIBILITY

Section 2000.210 Standards of Responsibility

Responsibility shall be determined by consideration of the following factors, such as, whether the Bidder:

- a) Has adequate financial resources or the ability to obtain such resources as required during the performance of the contract. The Director of Purchasing shall designate a level of financial resources when the contract exceeds \$10,000.00, below which the Bidder will be deemed "not responsible", as determined in the Capital Development Board Rules (44 Ill. Adm. Code 950).
- b) Is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments.
- c) Has a satisfactory record of performance. Bidders who are or have been deficient in current or recent contract performance in dealing with the Agency or other customers shall be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the Bidder.
- d) Has a satisfactory record of integrity and business ethics based upon reputation, previous contractual arrangements, and performance.
- e) Has a current Public Contracts number from the Illinois Department of Human Rights, if required. Proof of application prior to bid award will be sufficient for an initial determination, or has a currently valid Identification Number issued by the Public Contracts Division of the Illinois Department of Human Rights.
- f) Pays prevailing wages if required by law. The Agency will contact the Illinois Department of Labor to ascertain prevailing wages, benefits and conditions. These, if known, must be shown on the certification form contained in each invitation for bids and each Bidder must certify that prevailing wages, benefits and conditions are met. Certification forms are to be filed with DCHS and the Illinois Department of Labor. Complaints regarding compliance with prevailing wages, benefits and conditions shall be directed to the Department of Labor. The Department of Labor will periodically provide the agency with current information regarding prevailing rates of wages. The Invitation for Bids will advise prospective bidders the amount of wages and benefits which the Department of Labor has determined that workers providing services under the resulting contract should be paid. Submission of a bid shall

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constitute the bidders acceptance and intent to fully comply. Complaints regarding a contractor's failure to comply shall be directed to the Illinois Department of Labor.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

Section 2000.250 Return of Security

Bid security will be returned to unsuccessful Bidders after award of the contract and issuance of a Notice to Proceed. The bid security of the successful Bidder will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

SUBPART D: AWARDING OF BIDS AND REJECTION

Section 2000.320 Cancellation of Invitation

Invitation for Bids may be cancelled prior to award or after consideration of protest and all bids rejected prior to award when such action is in the best interests of the Agency. Every effort shall be made to anticipate necessity of rejection to avoid additional procurement costs and exposure of bid prices. Reasons for rejecting all bids are:

- a) Inadequate, ambiguous, or otherwise deficient specifications were cited in the Invitation for Bids.
- b) The goods or services are no longer required.
- c) The Invitation for Bids did not provide for consideration of all factors of cost to the Agency, such as cost of transporting Agency-furnished property to Bidders.
- d) Bids received indicate that the needs of the Agency can be satisfied by a less expensive good or service differing from that on which the bids were invited.
- e) All otherwise acceptable bids received are at unreasonable prices as compared to the estimated cost of the project.
- f) The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith.
- g) Time factors for delivery do not allow acceptance.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)



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## Section 2000.340 Rejection of Individual Bids

- a) Any bid which fails to conform to the essential requirements of the Invitation for Bids, such as specifications, delivery schedule, or permissible alternatives thereto, shall be rejected as nonresponsive in addition to the reasons specified in subsection (c) hereof of this Section.
- b) Bids containing any material alteration or erasure will be rejected unless the change is initialed in ink by the Bidder. Samples submitted showing evidence of altering or removing manufacturer's label, logotype, model or serial number, or any other standard of the industry for identification, shall be due cause for rejection of the bid, unless alteration or removal is supported with justifiable documentation satisfactory to the Director of Purchasing.
- c) A bid shall be rejected or considered an alternative bid where the Bidder imposes conditions which would modify requirements of the Invitation for Bids or limit liability to the Agency so as to give an advantage over other Bidders. For example, bids shall be rejected in which the Bidder:
  - 1) Attempts to protect against future changes in conditions such as increased costs, if total price to the Agency cannot be determined for bid evaluation.
  - 2) Fails to state a price and, in lieu thereof, states that price shall be "price in effect at time of delivery".
  - 3) States a price but qualifies such price as being subject to "price in effect at time of delivery", or price subject to change.
  - 4) Where not authorized by the invitation, conditions or qualifies the bid by stipulating that the bid is to be considered only if, prior to date of award, Bidder receives (or does not receive) award under a separate procurement.
  - 5) Limits rights of Agency under any contract clause. However, a low Bidder may be requested to delete objectionable conditions from the bid if these conditions do not go to the substance, as distinguished from the form of the bid. A condition goes to the substance of a bid where it affects price, quantity, quality, or delivery of the items offered.

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- d) Any bid may be rejected if the Agency determines in writing that it is unreasonable as to price.
- e) Bids received from any person or concern debarred or ineligible shall be rejected if the period of debarment or ineligibility has not expired.
- f) Low bids received from firms determined to be not responsible.
- g) Where a bid security is required and a bidder fails to furnish it in accordance with the requirements of the Invitation for Bids.
- h) After submitting a bid, if a Bidder transfers all of his/her assets or that part of his/her assets related to the bid during the period between the bid opening and the award, the transferee may not take over the bid except with permission of the Agency.
- i) Any bid may be rejected if the bidder fails to provide any information which was requested in the Invitation for Bids.
 

Criteria for rejection of a bid due to the failure of the bidder to provide any information which was requested in the Invitation for Bid could include, but not necessarily be limited to:

  - 1) The difference in price between the bid received from this non-responsive bidder and a fully responsive bidder.
  - 2) The time and effort required to obtain such information from the non-responsive bidder.
- j) The originals of all rejected bids, and any written findings with respect to such rejection, shall be preserved along with the bids and other papers relating to the procurement.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

## SUBPART E: MISTAKES AND ERRORS

## Section 2000.410 Other Mistakes Disclosed Before Award

Director of Purchasing is authorized, in order to minimize delay in contract awards, to make the administrative determinations described below in connection with mistakes in bids alleged after opening of bids and before award. The authority contained herein to permit correction of bids is limited to bids which, as submitted, are responsive to the Invitation for Bids, and may not be used to permit correction of bids to make them responsive.



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- a) A determination may be made permitting the Bidder to withdraw its bid where the Bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake.
- b) If the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.
- c) A determination may be made permitting the Bidder to correct the bid where the Bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower acceptable bids, the determination shall not be made unless the existence of the mistake and bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the Bidder to withdraw his/her bid may be made.
- d) If the evidence does not warrant a determination under subsections (a), (b), or (c) of this Section, a determination may be made that a Bidder may neither withdraw nor correct his/her bid.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

## Section 2000.430 Incorrect Procedures

If, for any reason, the Director of Purchasing makes an award that is procedurally incorrect and if it determines not to overturn the award, the protesting Bidder that should have received the award may only claim as damages the reasonable cost of bid preparation, such as labor, postage, photocopies, etc. An explanation of such procedural errors will be filed with the Department of Central Management Services and with the Auditor General.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

## SUBPART F: TERMS AND CONDITIONS

## Section 2000.500 Terms and Conditions of Transaction

The following terms and conditions, or substitute language proposed by the Bidder and acceptable to the Agency, whether in a contract form or not, shall apply to any contract resulting from these procedures:

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- a) Entire Agreement - These terms and conditions, together with the Invitation for Bids, other written representation of Bidder, and all sheets or documents as are made a part hereof, shall constitute the entire present agreement between the parties.
- b) Modifications - No change in, addition, or waiver of the items, conditions and specifications contained herein shall be a binding obligation on the Agency unless approved in writing by its authorized representative.
- c) Warranties - Bidder makes the following warranties to Agency and its customers and the users of the goods or services herein described in the bid:
- 1) It will, at the date of delivery, have good title to any and all goods supplied hereunder, and said goods will be free and clear of any and all liens and encumbrances,
  - 2) Any and all goods supplied hereunder will be merchantable quality and fit for the particular use intended,
  - 3) Will be free from defects, whether patent or latent in material or workmanship, and will be in full conformity with the specifications contained herein.
  - 4) Bidder agrees that the foregoing warranties shall survive acceptance of the goods, and that said warranties shall be in addition to any warranties of additional scope given to Agency by Bidder. The warranty in subsection (2) above may be modified if expressly brought to the attention of the Agency and an acceptable substitute offered.
  - d) Governing Law - The contract formed pursuant to the terms, conditions and specifications of the Invitation for Bids and the obligations thereby imposed on Bidder and Agency shall be governed by and construed according to the laws of the State of Illinois. Bidder represents and agrees that the goods herein described have not been or will not be manufactured, sold, priced or transported in violation of any federal, state or local law or any lawful order, rule or regulation issued thereunder.
  - e) Assignment - Bidder shall not assign such contract without the written consent of the Agency by the Director of Purchasing.
  - f) Equal Employment Opportunity - In the event of the bidder's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act (Ill. Rev. Stat.



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1983 1991, ch. 68, pars. 1-101 et seq.) or the Rules of the Illinois Department of Human Rights (44 Ill. Adm. Code 750) ("Department"), the Bidder shall be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract shall be cancelled or voided in whole or in part, and such other sanctions or penalties shall be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the Bidder agrees as follows:

- 1) That is will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service, and further that it will examine all job qualifications to determine if minority perso. or women are under-utilized and will take appropriate affirmative action to rectify any such under-utilization.
- 2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not under-utilized.
- 3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.
- 4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the Bidder's obligations under the Illinois Human Rights Act and the Department's Rules. If any such labor organization or representative fails or refuses to cooperate with the Bidder in its efforts to comply with such Act and Rules, the Bidder will promptly so notify the Department and the Agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

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- 5) That it will submit reports as required by the Department's Rules, furnish all relevant information as may from time to time be requested by the Department or the Agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules.
- 6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the Agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules.
- 7) That it will include verbatim or by reference the provision of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the Bidder will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the Agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.
- g) Other Terms and Conditions - Any terms and conditions not set forth herein shall be as specified in the request for proposal or invitation for bids and/or the resulting contract.
- h) Anti-Ribery - By signing the bid or contract, the bidder certifies that he/she has not bribed or attempted to bribe an officer or employee of the State of Illinois.
- i) Insurance - Each bidder shall carry full workers' compensation insurance and public liability insurance sufficient to protect the Agency's interests.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

Section 2000.520 Fiscal Year Contracting

The state fiscal year is July 1 to through June 30 of the following calendar year. If a contract is signed on or before July 30, and performance occurs past on or after July 1 and before September 30, payment may be made from funds of the fiscal year in which the contract was obligated in accordance with "An Act in relation to State finance" (Ill. Rev. Stat. 1983 1991, ch. 127, pars. 137 et seq.)

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)



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Section 2000.540 Prevailing Wage Required

- a) No Bidder will be awarded a contract for construction on public works unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.
- b) Prevailing wage and conditions prevalent means the hourly wages PLUS FRINGE BENEFITS FOR HEALTH AND WELFARE (SUCH AS, UNEMPLOYMENT COMPENSATION, WORKMAN'S COMPENSATION, LIABILITY INSURANCE AND HEALTH INSURANCE), INSURANCE, VACATIONS AND PENSIONS PAID GENERALLY, IN THE LOCALITY IN WHICH THE WORK IS BEING PERFORMED, TO EMPLOYEES ENGAGED IN WORK OF A SIMILAR CHARACTER, as determined by the Department of Labor. (Ill. Rev. Stat. 1991, ch. 48, par. 39s-2).
- c) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will reflect the change in rate. Any increases in costs to the contractor due to changes in the prevailing rate of wages or labor law during the term of any contract shall be at the expense of the contractor and not at the expense of the Secretary of State.

(Source: Amended at 16 Ill. Reg. 10068, effective June 15, 1992.)

DEPARTMENT OF VETERANS' AFFAIRS

REQUEST FOR CORRECTION

1. Rule Affected: 95 Ill. Adm. Code 121.10(1)
2. Publication of Rulemaking Requiring Correction:
  - a) First Notice
    1. January 10, 1992
    2. 16 Ill. Reg. 561
  - b) Adoption
    1. May 15, 1992
    2. 16 Ill. Reg. 7707
3. Agency Representative:

Vickey Campbell, Manager State Grants  
833 S. Spring Street; Springfield, IL 62794-9432  
(217) 782-3418

Any person who has questions or comments regarding the agency's Request for Expedited Correction may contact the agency representative.
4. Reason Certificate of Correction is Requested:

Omission and error that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register.
5. Effect on the Affected Public: None
6. Effective date of Correction Recommended by the Agency and Explanation for the Recommended Date:

April 24, 1992, Date rules were adopted by agency

Any person who wants to comment on the Request should contact the Joint Committee on Administrative Rules at the address or phone numbers below. However, commentors should be aware that the Joint Committee, in accordance with the expedited nature of this process, will be taking action on this issue as soon as possible.

Joint Committee on Administrative Rules  
509 S. Sixth, Room 500  
Springfield, IL 62701  
217/785-2254  
FAX: 217/524-0567
8. The full text of the Section, indicating the requested correction, follows:



## DEPARTMENT OF VETERANS' AFFAIRS

## REQUEST FOR CORRECTION

## Section 121.10 Definitions

- a) "Active Service" - Excludes time lost for Absent Without Leave or Absent on Leave
- b) "Child or Children" - Includes all legitimate children and legally adopted children.
- c) "Brothers and Sisters" - In addition to its ordinary meaning, includes brothers and sisters of the "whole" blood as well as the "half" blood, having a common parent with the deceased veteran.
- d) "Conservator" - A protector, guardian or custodian.
- e) "Guardian" - A person legally placed in charge of a minor or someone incapable of managing his own affairs.
- f) "Loco Parentis" - The term loco parentis shall be limited to a person who stood in the position of a parent and shall not be a corporation or a trust.
- g) "Mental Incompetent" - A person found to be incompetent by a court of competent jurisdiction of any state or the District of Columbia or by an adjudication officer of the United States Department of Veterans Affairs.
- h) "Service-Connected Death" - A death incurred in the line of duty as determined by the branch of service and recognized by the United States Department of Veterans Affairs (see Section 21(c) of the Act; Ill. Rev. Stat. 1991, ch. 126 1/2, par. 67b(c)).
- i) "Southwest Asia Service Medal" - The DD 214 or discharge will show under h) ~~Mentally incompetent~~ ~~A person found to be incompetent by a court of competent jurisdiction of any state or the District of Columbia or by an adjudication officer of the United States Department of Veterans Affairs.~~ item "Decoration, Medals, Etc." the award of the Southwest Asia Service Medal.
- j) "Southwest Asia Area" - Between August 2, 1990 and the date determined: the Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian, Oman, Bahrain, Qatar, and the United Arab Emirates, to include the airspace and territorial waters. Between January 17, 1991 and the date determined: Israel, Egypt, Turkey, Syria, and Jordan, to include air space and territorial waters.

## DEPARTMENT OF REVENUE

## NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) The Notice of Proposed Amendments being corrected appeared at: 16 Ill. Reg. 7306, dated May 8, 1992.
- 4. The information being corrected is as follows: These proposed amendments were inadvertently never sent to the Business Assistance Office of the Department of Commerce and Community Affairs. When this was discovered, they were sent on May 21, 1992.



## DEPARTMENT OF INSURANCE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Automobile Anti-Theft Mechanisms
- 2) Code Citation: 50 Ill. Adm. Code 932
- 3) Register Citation to Notice of Proposed Rules: 16 Ill. Reg. 7279, May 8, 1992.
- 4) Date, Time and Location of Public Hearing: The hearing will be held on June 30, 1992 in the State of Illinois Center, 100 West Randolph Street, Chicago, Illinois 60601.  
Room location of the hearing will be posted at the Offices of the Department of Insurance on the 15th floor of the State of Illinois Center in Chicago.
- 5) Other Pertinent Information: Please contact Denise Fuchs, Paralegal Assistant, Department of Insurance at (217) 782-8216 if you have any questions concerning this hearing.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:  
  
Name of Act: Illinois Department of Revenue Sunshine Act  
Citation: Ill. Rev. Stat. 1991, ch. 127, par. 2001  
(Public Act 82-727, effective November 12, 1981)
2. Summary of information:  
  
Index of Department of Revenue Sales and Excise Tax letter rulings issued for the First Quarter of 1992.

The ruling letters are listed numerically with a brief synopsis under the following subjects.

The complete list for the First Quarter of 1992 is as follows:

Agents	Hotel Operators' Tax
Agricultural Producers and Products	Interest
Assessments	Interstate Commerce
Automobile Renting Tax	Itinerant Vendors
Bingo	Leasing
Books and Records	Liquor Tax
Bulk Sales	Local Taxes
C.O.A.D.	Mandatory Service Charges
Certificate of Registration	Manufacturers
Cigarette Tax	Manufacturing Machinery and Equipment
Claims for Credit	Medical Appliances
Coal Fueled Devices	Miscellaneous
Coal Mining Equipment	Motor Fuel Tax
Coins & Precious Metals	Motor Vehicles
Computer Software	Nexus
Construction Contractors	Nonprofit Institutions
Cooperative Associations	Occasional Sale
Delivery Charges	Oil Field Equipment
Distillation Machinery	Penalties
Drugs	Pollution Control
Enterprise Zones	Facilities
Exempt Organizations	Prepaid Sales Tax
Farm Machinery & Equipment	Products of
Federal Excise Tax	Photoprocessing
Financial Institutions	Property Tax
Food	Public Utility Taxes
Governmental Bodies	Real Estate Transfer Tax
Graphic Arts	Repairs
Gross Receipts	Replacement Vehicle Tax



## DEPARTMENT OF REVENUE

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

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Returns  
Rolling Stock Exemption  
Sale at Retail  
Sale for Resale  
Sale of Service  
Sellers of Newspapers,  
Magazines, Etc.  
Signature  
Special Order  
Statute of Limitations  
Tax Collection  
Tax Increment Financing  
Tax Rate  
Telecommunications Excise Tax  
Temporary Storage  
Trade-Ins  
Use Tax  
Vehicle Use Tax  
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth  
Legal Division  
101 West Jefferson Street  
Springfield, Illinois 62708  
Telephone: (217) 782-6996

## AUTOMOBILE RENTING OCCUPATION TAX

92-0172 03/27/1992 Rentors of automobiles under lease terms of one year or less incur Automobile Renting Occupation Tax on their rental receipts. Sales of automobiles to auto renters for rental under lease terms of one year or less are exempt from Retailers' Occupation Tax/Use Tax.

## BOOKS AND RECORDS

92-0154 03/18/1992 Books and records must be maintained within this State for any period for which the Department is authorized to issue a Notice of Tax Liability to the taxpayer.

92-0160 03/23/1992 According to 86 Illinois Administrative Code Sec. 130.805, microfilmed copies of exemption certificates will be acceptable, provided they are authentic, accessible and readable.

## BULK SALES

92-0012 01/06/1992 Section 5j of the ROT and Section 130.1701 of the Department's rules set forth the requirements for notices of sales of business assets.

92-0015 01/08/1992 Bulk sales requirements are set out at 86 Ill. Adm. Code 130.1701. Whether or not a purchaser needs to fill out form NUC-542-A depends upon whether the transaction falls within the terms of the regulation, i.e., the seller is subject to the Retailers' Occupation Tax and is selling or transferring, outside the usual course of his business, the major part of the stock of goods which he is engaged in the business of selling, the furniture or fixtures, machinery and equipment or the real property, of any business that is subject to the provisions of the Retailers' Occupation Tax. If the purchaser is subject to filing, he exposes himself to potential tax liability if NUC-542-A is not filed within 10 days after the sale or transfer.

## CHARITABLE GAMES

92-0114 02/27/1992 Poke-R-Eno, a game in which players are dealt five cards, with the highest hand winning based on predetermined odds, cannot be conducted at charitable games events. It is not among



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the permissible games listed in Section 8 of the Charitable Games Act (see also Section 435.160), and it is sufficiently different from poker to be excluded from the category of poker games which are allowable under Section 8 of the Charitable Games Act (see also Section 435.160).

92-0140  
\$1.00

03/09/1992 The Department's authority to regulate providers is limited to that found in the Charitable Games Act. A provider's liability for fire, accidents, and other such events, is a private matter worked out between the provider and the licensee organization. The Department has no authority to limit and delineate the provider's liability in this area.

92-0141  
\$1.75

03/10/1992 An organization is prohibited by the terms of the Charitable Games Act (and regulations promulgated thereunder) from hiring a skill or from having one of its members or volunteers acting as a skill at charitable games events. Possession of gambling devices, such as the devices used at a charitable games event, outside of the uses authorized in the Charitable Games Act, constitutes gambling under the Criminal Code. Multiple licensees sharing the same premises cannot each obtain a license to conduct games on that premise, because Sections 4 and 8 of the Charitable Games Act specify that no more than 4 games can be conducted in a year's time at one location. Although this result was slightly modified by recent legislation, it remains the Department's position that legislative intent was to limit each location to the use of one licensee. To do otherwise would be to allow the creation of gambling halls.

## CLAIMS FOR CREDIT

92-0005  
\$1.00

01/03/1992 There is no requirement in the Retailers' Occupation Tax Act that vendors pay interest to customers when they make a refund of tax to customers as a prior condition the filing of a claim for credit.

92-0017  
\$1.25

01/08/1992 General discussion of claim for credit procedures.

92-0086  
\$1.75

02/07/1992 Claims for credit can only be filed by the person who paid those taxes to the Department of Revenue.

92-0098  
\$1.00

02/19/1992 Neither the Illinois Retailers' Occupation Tax nor the Illinois Use Tax Act contain a provision that allows for a refund of sales tax to the purchaser who has obtained a settlement from

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an automobile manufacturer under consumer legislation such as the Illinois New-Car Buyer Protection Act. Also, the Illinois Department of Revenue has no authority to administratively create such a provision.

92-0110  
\$1.25

02/24/1992 Before a claim for credit can be approved, the claimant must demonstrate that he bore the burden of the tax or that he has unconditionally refunded any tax collected from his customer on the transaction which is the subject of the claim.

## COMPUTER SOFTWARE

92-0025  
\$1.00

01/13/1992 A license of computer software is non-taxable if it contains the elements required by Section 130.1935(a)(1).

92-0039  
\$1.25

01/17/1992 A license of software is not a taxable retail sale if the license complies with the requirements of Section 130.1935(a)(1) of the Department's rules.

92-0040  
\$1.25

01/17/1992 The sale at retail of canned software intended for general or repeated use is taxable. This includes the transfer by a retailer of software which is subject to a manufacturer's license restricting the use or reproduction of the software.

92-0041  
\$1.50

01/17/1992 A license of software is not a taxable retail sale if it complies with the requirements of Section 130.1935(a)(1).

92-0116  
\$1.25

02/27/1992 To be non-taxable, a license of software must contain all of the elements required by Section 130.1935(a)(1) of the Department's rules.

92-0158  
\$1.25

03/20/1992 Unless a license contains all the provisions required in Section 130.1935(a)(1)(A-D), it is taxable. A computer maintenance software agreement which provides for updates of canned software is taxable, unless the charges for the updates are separately stated from the agreement. In this case, only the charges for the software are taxable. Maintenance agreements for software are generally treated as other maintenance agreements, that is, the seller owes Use Tax on his cost price of the tangible personal property transferred incident to completion of the agreement.

92-0163  
\$1.25

03/24/1992 A software license provision stating that the licensor will "correct, repair or exchange" software that "becomes inoperable," is not equivalent to a provision stating that the



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vendor will replace at minimal or no charge software that is lost or damaged by the customer. subsequently, such a license is taxable.

## CONSTRUCTION CONTRACTORS

92-0095 \$1.25 02/14/1992 The Service Occupation Tax does not apply to the incorporation of tangible personal property into real estate by a construction contractor, since that activity constitutes a taxable use. When a plumbing contractor installs tangible personal property into real estate through remodeling, new construction, or makes repairs of real property, he acts as a contractor and owes Use Tax on the cost price of the tangible personal property he incorporates into real estate. However, when he makes repairs of items which are tangible personal property, he acts as a serviceman and is subject to the Service Occupation Tax Act.

92-0173 \$1.00 03/30/1992 A supplier selling material to a contractor for incorporation into real property under a contract with a governmental body must maintain the following information in his records: 1. Certification from the contractor stating that purchases are for conversion into real estate under a contract with a governmental body; 2. valid exemption number issued to the exempt governmental body.

92-0178 \$1.75 03/31/1992 This letter describes the application of the sales tax laws to communication systems contractors. Such contractors incur a Use Tax liability on their cost price of materials purchased for permanent incorporation into real estate. Such contractors incur a Retailers' Occupation Tax liability on gross receipts from sales of items not permanently affixed to real estate.

## DELIVERY CHARGES

92-0054 \$1.00 01/27/1992 Mail order delivery charges are deemed to be agreed upon separately from the selling price of the tangible personal property being sold so long as the mail order form requires a separate charge for delivery and so long as the charges designated as transportation or delivery or shipping and handling are actually reflective of the costs of such shipping, transportation or delivery.

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## DRUGS

92-0135 \$2.25 03/06/1992 A medicine or drug is any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.

## ENTERPRISE ZONES

92-0014 \$1.25 01/07/1992 An enterprise zone business certified by the Department of Commerce and Community Affairs under Section 9-222.1 of "The Public Utilities Act", (Ill. Rev. Stat. 1989, Ch. 111 2/3, Par. 9-222.1), is eligible for exemption from the Telecommunications Excise Tax (Ill. Rev. Stat. 1989, Ch. 120, Par. 2002(a)(5)).

92-0038 \$1.25 01/16/1992 The fact that a company purchasing materials for incorporation into real estate located in an enterprise zone is owned by the same person as the retailer of those materials, will not destroy the exemption, as long as the two companies are separate entities, and all the terms of Section 130.1951 are met (i.e., the retailer of the building materials is registered to a location in the municipality or the unincorporated area of the county which created the enterprise zone into which the building materials will be incorporated, and the building materials will be incorporated into real estate located in that enterprise zone by remodeling, rehabilitation or new construction).

92-0056 \$1.25 01/28/1992 In order to claim the enterprise zone exemption for building materials, a purchaser must incorporate the materials into real estate located in the enterprise zone by remodeling, rehabilitation or new construction, and must buy the materials from a retailer located in the jurisdiction that created the enterprise zone. If both requirements are not met, the materials cannot be purchased tax-free. A telephone system (purchased from a qualifying retailer and which will be installed in real estate located in an enterprise zone) in which interior wiring and phones are sold would qualify only in part for the exemption, because while interior wiring is incorporated into real estate and is therefore exempt, telephones are not incorporated into real estate and so are ineligible for the exemption.

92-0089 \$1.00 02/11/1992 An enterprise zone exemption exists for certified businesses from additional charges added to gas/electric bill as a pass-on of the State Utility Taxes pursuant to Section 9-222.1 of the Public Utilities Tax Act.



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92-0102 02/20/1992 Municipalities have the authority to limit the  
\$1.00 Enterprise Zone Building Materials Exemption to materials  
purchased under a building permit.

## EXEMPT ORGANIZATIONS

92-0108 02/21/1992 This letter describes a procedure developed to claim  
\$1.25 exempt sales by oil companies with registered retail outlets which  
make credit card sales to organizations which hold exemption  
identification numbers.

## FARM MACHINERY AND EQUIPMENT EXEMPTION

92-0003 01/02/1992 The farm machinery and equipment exemption is not  
\$1.00 available for motor vehicles that are registered with the Illinois  
Office of the Secretary of State.

92-0023 01/10/1992 Answers a series of questions from a retailer about  
\$1.25 the scope of the farm machinery and equipment exemption.

92-0032 01/13/1992 Purchases of livestock trailers do not generally  
\$1.00 qualify for the farm machinery and equipment exemption.

92-0078 02/04/1992 Computers and software which assist the operator in  
\$1.00 farm and business management do not qualify for the farm machinery  
and equipment exemption.

92-0115 02/27/1992 Generally, gates do not qualify for the Farm Machinery  
\$1.00 and Equipment Exemption because they constitute building materials  
which form part of fencing. See Section 130.305(i) and (k).

## FOOD

92-0077 12/18/1991 Sales of all hot food and hot food products are sales  
\$2.00 of food for immediate consumption.

92-0166 03/24/1992 Caterers are vendors engaged in selling tangible  
\$1.25 personal property, and thus are subject to the Retailers'  
Occupation Tax upon their gross receipts from sale. Pursuant to  
Section 130.410, the costs of doing business, such as incoming  
freight, labor, service costs or other overhead costs, are never  
deductible from gross receipts. As a result, catering expenses,

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such as charges for wait staff, delivery, rental of equipment and  
linen, are includable in gross receipts and subject to tax. These  
charges are simply part of the cost of doing business as a  
caterer, in the same way that they would be part of the cost of  
doing business as a restaurant owner.

## GOVERNMENTAL BODIES

92-0123 03/02/1992 Sales by governmental bodies are exempt when made in  
\$1.00 furtherance of the governmental function.

## GRAPHIC ARTS

92-0010 01/06/1992 The graphic arts machinery and equipment exemption  
\$1.00 applies to the sale of machinery and equipment, including repair  
and replacement parts therefore, both new and used and including  
that manufactured on special order to be used primarily in graphic  
arts products.

92-0066 01/23/1992 The exemption for graphic arts machinery is limited to  
\$1.50 machinery used in the processes defined in Major Group 27 of the  
U.S. Standard Industrial Classification Manual.

## GROSS RECEIPTS

92-0004 01/03/1992 Sale of cable television service to subscribers is not  
\$1.25 a sale of tangible personal property and is not subject to the  
ROT.

92-0051 01/24/1992 Illinois motor fuel jobber who pay bills Illinois  
\$1.00 trucker for fuel purchased in California does not incur ROT on  
charges billed.

92-0068 01/29/1992 Mail order delivery charges are deemed to be agreed  
\$1.00 upon separately from the selling price of the tangible personal  
property being sold so long as the mail order form requires a  
separate charge for delivery and so long as the charges designated  
as transportation or delivery or shipping and handling are  
actually reflective of the cost of such shipping, transportation  
or delivery.



DEPARTMENT OF REVENUE

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92-0082 \$1.25  
02/05/1992 This letter describes the tax consequences of cellular phones that are given customers in exchange for agreements to activate the phones and pay for cellular phone service for a specified period of time.

92-0131 \$1.00  
03/04/1992 Change from accrual to cash basis of reporting authorized.

92-0143 \$1.25  
03/11/1992 In a transaction where the retailer and customer intend that a separate agreement exist for installation services and the separate agreement is evidenced by an itemized invoice signed by the purchaser, installation charges may be deducted from gross receipts. See, 86 Ill. Adm. Code 130.450.

92-0150 \$1.00  
03/17/1992 A manufacturers' rebate applied to the purchase price of an automobile, is subject to Retailers' Occupation Tax.

92-0167 \$1.25  
03/25/1992 This letter describes the sales tax consequences of selling explosives "over-the-counter", "down-the-hole" and "by the ton of material dislodge".

HOTEL OPERATORS' OCCUPATION TAX

92-0175 \$1.25  
03/30/1992 In order for a contract to qualify a party for the permanent resident exemption of the Hotel Operators' Occupation Tax, it must require the rental of a specific room or block of rooms, for at least 30 consecutive days, regardless of whether the rooms will be occupied by that party. Those specific rooms cannot be rented out to transient guests, even if they are vacant.

INTERSTATE COMMERCE

92-0132 \$1.50  
03/05/1992 If a purchaser receives physical possession of property in Illinois from an Illinois retailer, the purchaser owes Use Tax on that property, even if he will immediately ship it out of the country or State. If he can document that the goods were purchased for purposes of resale, by giving the retailer a valid Certificate of Resale, the sale can be made tax-free.

INVESTED CAPITAL TAX

92-0043 \$1.00  
01/17/1992 Pursuant to Illinois Power Co. v. Johnson, a subtraction should be made to "long-term debt" for unamortized discount and expense incurred on the issuance of bonds. Similarly, an addition should be made for the unamortized premium realized from the issuance of bonds. The taxable debt is derived from the calculation of the average of the beginning and ending balances during the taxable period.

92-0046 \$1.25  
01/24/1992 Invested Capital Tax is due on entire tax base. The base may not be reduced by deducting a portion dedicated to resale activities.

LEASING

92-0036 \$1.00  
01/14/1992 With the exception of leases of automobiles for periods of one year or less, rental receipts from true leases are not subject to the Retailers Occupation Tax.

92-0052 \$1.00  
01/27/1992 Discusses whether a particular lease was a conditional sale or a true lease.

92-0057 \$1.25  
01/28/1992 With the exception of leases of automobiles for periods of one year or less, rental receipts from true leases are not subject to tax.

92-0069 \$1.25  
01/29/1992 Lessor of tangible personal property under true lease is entitled to enter into a contract with lessee that requires reimbursement for Use Tax paid by lessor who acquires the property for rental purposes. However, lessor may not characterize this amount from lessee as a tax imposed on the lessee.

92-0075 \$1.75  
01/31/1992 When computer hardware is leased, the taxability of the transaction depends upon whether the lease is a true lease or a conditional sale. In the former instance, the lessor owes Use Tax on the leased hardware. He cannot collect a "tax" from the lessee, but can require that the lessee reimburse him for his tax liability; this must be recorded as "reimbursement charges" on the invoice, not as a tax. In the case of a conditional sale, if the sale is made in Illinois, the lessor/seller owes Retailers' Occupation Tax on the gross receipts from sale.



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92-0100 \$1.50 02/20/1992 If a lessor of trucks sells used trucks, it may or may not incur a Retailers' Occupation Tax liability. If the lessor is exclusively engaged in the business of leasing or renting trucks, its sale of trucks is an occasional sale and is exempt from the Retailers' Occupation Tax. In this case, the purchaser will still incur the Vehicle Use Tax (either based on the age of the truck or its selling price; this is not a "sales tax"). If, however, the lessor is also engaged in the business of selling trucks, its sale is not occasional. Rather, it is subject to the Retailers' Occupation Tax, unless some other exemption can be claimed, such as rolling stock or resale.

92-0104 \$1.50 02/21/1992 This letter discusses the application of the Illinois Retailers' Occupation Tax and Use Tax Acts to purchases, rentals and sales made by video tape outlets.

92-0113 \$1.75 02/27/1992 A transaction in which Corp. A, a truck leasing corporation, buys trucks and subsequently transfers title (sells under the terms of the ROT Act) to bank (as security from a loan from bank), which bank then "leases" to Corp. A under a conditional sales lease (Corp. A finances 75% of its unamortized loan through this "lease;" the additional 25% comes from A's sale of the trucks at the end of the lease period), subjects the bank to ROT liability, since its lease is actually a conditional sale. If Corp. A is not engaged in the business of selling trucks, then its "sale" to the lending institution is an occasional sale.

92-0134 \$1.25 03/06/1992 This letter describes the trade-in deduction and its application to lessors purchasing new vehicles for their rental fleets. This letter also explains that there is no trade-in deduction available to a lessee who is, in effect, trading in his residual interest in an existing lease when entering into a new lease.

92-0146 \$1.25 03/12/1992 This letter describes the application of the Illinois sales tax laws to true lease situations and to conditional sale situations.

LOCAL TAXES

92-0024 \$1.25 01/10/1991 Purchase orders accepted in Illinois or orders filled from an Illinois inventory (where purchase orders are actually accepted outside Illinois), will result in liability for local taxes as well as state Retailers' Occupation Tax.

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92-0044 \$1.25 01/22/1992 Until July 1, 1992, ordinances imposing/changing Home Rule Municipal Retailers' Occupation Taxes must file ordinances with the Department by June 1, 1991, for the increases to take effect on September 1, 1992. The provisions of Public Act 87-205, which required municipalities to file ordinances by July 1, 1992 for effective dates of October 1, 1992, were enacted after June 30 of 1991. Since no effective date is specified for Article 2 of the Act which made this change in the law, these provisions do not become effective until July 1, 1992 (SEE "AN ACT in relation to the effective dates of laws," Ill.Rev.Stat. 1989, Ch. 1, par. 1201 et seq.). In effect, then, the deadlines imposed by the Act for 1992 are moot. Until July 1, 1992, ordinances must be filed by June 1, 1992 and will become effective September 1, 1992.

92-0064 \$1.00 01/29/1992 An automobile dealer must charge the tax rate in effect at the dealer's selling location, not the rate in effect where will be garaged.

92-0079 \$1.00 02/04/1992 An out-of-State "retailer maintaining a place of business in this State" who does not accept purchase orders in a jurisdiction imposing local taxes in Illinois, or does not fill orders from an inventory located in such a jurisdiction, has no obligation to pay local taxes.

92-0085 \$1.25 02/07/1992 If a retailer is engaged in selling activities in a jurisdiction imposing a local tax (for example, Home Rule Municipal Retailers' Occupation Tax, Regional Authority Transportation Tax), he must pay that tax. The Department has determined that the most important factor in selling is acceptance by the seller of the buyer's purchase order. As a result, if the purchase order is accepted by the seller in a jurisdiction that imposes a local tax, or by someone working out of an office in such a jurisdiction, then the gross receipts from that sale are subject to the local tax.

92-0152 \$1.00 03/18/1992 Taxpayer inquires about the local telecommunications tax authorized by PA 87-17; the department does not administer this tax, and so the taxpayer is advised to contact different localities in which it may be doing business for information on this tax.



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## MANUFACTURING MACHINERY AND EQUIPMENT

- 92-0026 \$1.00 01/13/1992 Among the activities that will constitute an exempt use is the use of manufacturing machinery to place the tangible personal property to be sold into the container, package or wrapping in which such property is normally sold to the ultimate consumers thereof.
- 92-0034 \$1.00 01/14/1992 The use of machinery to inspect, test or measure the tangible personal property to be sold where such function is an integral part of the production flow can qualify for the exemption.
- 92-0049 \$1.00 01/24/1992 Hand tools do not qualify for exemption as manufacturing machinery.
- 92-0053 \$1.00 01/27/1992 If the user has an active registration or resale number, the user may document the exemption for manufacturing machinery by giving its active registration or resale number in lieu of the prescribed certificate.
- 92-0062 \$1.00 01/28/1992 The exemption from the ROT is for manufacturing machinery and equipment and does not extend to purchases of welding gas, propane oil fuel.
- 92-0074 \$1.50 01/30/1992 Steam is tangible personal property. If it is produced and sold, the machinery (boiler) used to produce it may qualify for the manufacturing machinery and equipment exemption if the boiler is used primarily (more than 50% of the time) to produce steam. If the boiler is used only 50% of the time to produce steam which is sold, and also used 50% of the time to produce steam which runs a turbine producing electricity, partly for in-house use and partly for transfer to another company, the boiler will not qualify for the exemption. It is not used primarily to produce steam that will be sold. Although it may be used to produce electricity that will be sold to another company, electricity is not tangible personal property and therefore, machinery used to produce it does not qualify for the manufacturing machinery and equipment exemption.
- 92-0076 \$1.25 12/18/1991 A computer used in the creation of canned computer software (for sale or lease) may qualify for the Manufacturing Machinery and Equipment Exemption.

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- 92-0083 \$1.25 02/07/1992 The ROT does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease.
- 92-0084 \$1.25 02/07/1992 A cooling tower system that is used exclusively to maintain the proper functioning temperature of manufacturing machinery and equipment can also qualify for the manufacturing machinery and equipment exemption. Cooling systems that are used, however, for general cooling purposes and not primarily for the cooling of exempt machinery and equipment, do not qualify for the exemption.
- 92-0088 \$1.00 02/07/1992 The regulations regarding the Manufacturing Machinery and Equipment Exemption state that an active registration or resale number may be given to a supplier to document the exemption, in lieu of Form RR-857.
- 92-0091 \$1.25 02/11/92 Stock or standard repair and replacement parts bought over-the-counter for exempt manufacturing machinery and equipment are exempt from the Retailers' Occupation Tax. However, if stock or standard repair and replacement parts for exempt machinery are transferred in a service context to repair exempt machinery, they are fully taxable. Only those parts which are specially fabricated and used in repairing exempt machinery are nontaxable under the Service Occupation Tax.
- 92-0093 \$1.00 02/14/1992 Request for regulations on Manufacturing Machinery and Equipment.
- 92-0105 \$1.25 02/21/1992 The manufacturing process is the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining which changes some existing material or materials into a material with a different form, use or name.
- 92-0107 \$1.00 02/21/1992 The Manufacturing Machinery and Equipment Exemption is not available for the use of machinery or equipment to store, convey or handle or transport material or parts or sub-assemblies prior to their entrance into the production cycle.
- 92-0127 \$1.25 03/04/1992 This letter discusses the application of the Manufacturing Machinery and Equipment Exemption to paint mixing machines.



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- 92-0161 03/23/1992 The Manufacturing Machinery and Equipment Exemption is available to equipment and machinery primarily used in what is commonly regarded as on-line manufacturing or assembling. \$1.00
- 92-0168 03/25/1992 Trucks used to transport finished aggregates/agricultural fertilizer to a stockpile, where they will be tested and remain until sold, do not qualify for the Manufacturing Machinery and Equipment Exemption, because machinery and equipment used to transport, store or convey materials to be sold after completion of the production cycle do not qualify under Section 130.330. \$1.25
- MEDICAL APPLIANCES
- 92-0037 01/15/1992 The current Illinois sales tax rate for medical appliances, including blood glucose testing kits, is 1%. \$1.00
- 92-0045 01/23/1992 Section 130.310(c)(2) sets forth the definition of "medical appliance." \$1.00
- 92-0109 02/24/1992 Request for information regarding medical appliances. \$1.00
- 92-0121 03/02/1992 Taxpayer requests general information regarding what constitutes medical appliances and drugs that qualify for the reduced rate of tax. \$1.00
- 92-0133 03/06/1992 Orthodontic braces, ligature wire, retainers, arch bars, coils and hooks, which are sold to orthodontists and which are incorporated into corrective medical appliances, would qualify for the lower rate of tax in Illinois. \$1.00
- 92-0136 03/06/1992 Discusses the definition of medical appliances in Section 130.310(c)(2) of the Department's rules. \$1.25
- 92-0138 03/06/1992 Discusses whether certain items qualify as medical appliances. \$1.25
- 92-0139 03/06/1992 A hearing aid is a device intended by its manufacturer for use in directly substituting for a malfunctioning part of the body, and so qualifies as a medical appliance (per SECTION 130.310) taxable at the lower rate. Batteries made specially for hearing aids also qualify for the lower rate of tax, and even batteries which can be used in other products qualify for the

- lower rate of tax if purchased by a hearing impaired/deaf individual who certifies that the batteries will be used to power a hearing aid. Other items that are necessary for the operation of a hearing aid (i.e., earmold, receiver, earhook, cord) qualify for the low rate of tax as medical appliances. Items used to clean the hearing aid or remove moisture, and battery testers and hearing aid carriers, do not qualify as medical appliances.
- 92-0157 03/20/1992 A "Guided Tissue Regeneration" device which is put into a patient's mouth in the area of the tooth/gum where periodontal disease has caused tissue loss, and which then serves as a tissue replacement, while at the same time guiding the regeneration of new tissue, qualifies as a medical device, because it substitutes for the tissue that has been lost due to disease. \$1.25
- 92-0159 03/20/1992 Ostomy products, such as adult incontinent diapers and absorbent pads, are taxable at the full rate of tax. However, colostomy bags and drainage tubing are taxable at the reduced rate of tax because they constitute "medical appliances." \$1.00
- 92-0170 03/27/1992 Medical equipment used to treat or diagnose a medical condition does not qualify for the reduced rate of tax. In order to qualify for the 1% tax rate, a medical appliance must directly substitute for a malfunctioning part of the body. \$1.00
- 92-0171 03/27/1992 Diagnostic ultrasound machines are not "medical appliances." Diagnostic equipment is specifically excluded from the definition of a "medical appliance" in section 130.310(c). Consequently, they are subject to the full rate of tax. \$1.25
- 92-0177 03/31/1992 Medical appliances, which are defined in Section 130.310(c), are taxed at the low rate of tax. Oxygen used by persons with breathing disabilities is subject to the low rate of tax. \$1.00
- MISCELLANEOUS
- 92-0021 01/10/1992 Discusses sampling techniques used in audits. \$1.25
- 92-0048 01/24/1992 An employee of a retailer embezzled gross receipts of retail sales. When the embezzlement was discovered the retailer filed amended returns. The retailer does not lose the vendor's discount for the amount of tax timely paid, but is not entitled to



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a discount on the amount of additional taxes remitted with the amended returns.

92-0050  
\$1.25

01/24/1992 P.A. 87-313 provides that entities not regulated by the IL Commerce Commission are not liable for the tax on invested capital. However, such entities are liable for the tax on invested capital for calendar year 1991 up to the September 6, 1991 effective date of P.A. 87-313.

92-0058  
\$1.25

01/28/1992 Notwithstanding the fact that sales may at retail, fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for a destination outside the United States is exempt from tax.

92-0073  
\$1.00

01/30/1992 Retailers' Occupation Tax is not incurred on the sale of water by a public utility. A public utility should pay use tax to suppliers when purchasing tangible personal property that will be transferred to customers as an incident of the sale of service.

92-0101  
\$1.00

02/20/1992 Sales of periodicals in Illinois are not subject to Illinois Retailers' Occupation Tax. Therefore, there would be no tax collection or remittance requirements with respect to such sales.

92-0118  
\$1.00

03/02/1992 Sales of intangible property are not subject to Retailers' Occupation Tax.

92-0124  
\$1.00

03/03/1992 Vendor may not represent that he will absorb the cost of sales tax on behalf of the customer. However, vendor may disclaim or clarify such representations stating that a purchase will be discounted in an amount equal to the sales tax rate.

92-0174  
\$1.00

03/30/1992 Concern over improper tax exemption claimed by some farmers purchasing computer equipment from a retailer.

## MOTOR FUEL TAX

92-0019  
\$1.50

01/09/1992 A service provider who coordinates payments between a system of independent oil jobbers ("participants"), in a system in which an Illinois participant sells gasoline to the customers of another, out-of-State participant ("foreign participant"), does not incur any Retailers' Occupation Tax or Motor Fuel Tax liability. In such a system, the provider does not purchase or

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resell gasoline from/to each participant, but only bills the foreign participant for the gasoline purchased by its customers from the Illinois participant. The foreign participant then bills its customers for the gasoline. In this system, the Illinois participant must pay the Motor Fuel tax to its distributor; this participant also incurs Retailers' Occupation Tax on its gross receipts from sale, and this liability is, in part, prepaid to its distributor, also. The foreign participant is not required to register, either for Retailers' Occupation Tax or Motor Fuel Tax purposes. The Illinois participant has already paid the Motor Fuel Tax and the Retailers' Occupation Tax, in part, to the distributor.

92-0063  
\$1.25

01/29/1992 The motor fuel tax is imposed on the privilege of operating motor vehicles upon the public highways and recreational watercraft upon the waters of this State. No provision for exemption from the tax has been made for religious or charitable organizations.

## NEXUS

92-0035  
\$1.00

01/14/1992 Out-of-State retailer of furniture has nexus due to the nature of Illinois activities.

92-0117  
\$1.00

02/28/1992 Out-of-State retailers which send sales representatives into Illinois to solicit orders for sales, which orders are accepted and filled from inventory outside the State, are nevertheless required to register with the Department as "retailers maintaining a place of business in this State" and to collect the Use Tax on their Illinois sales.

92-0125  
\$1.25

03/03/1992 Out of state retailers must determine their tax liability, if any, based upon their contacts with this state.

92-0130  
\$1.25

03/04/1992 Out-of-State retailers must determine their tax liability, if any, based upon their contacts with this State.

92-0148  
\$1.25

03/13/1992 An out-of-State retailer soliciting sales in Illinois by means of television broadcasting over cable or other broadcast media to customers in Illinois has sufficient contacts with the State under the Use Tax Act to be required to register and collect Illinois Use Tax on its Illinois sales. If the retailer then sells a paper-copy standard mailing list of the Illinois customers buying items, to independent retailers in Illinois that sell



products of a national distributor, the out-of-state retailer must collect Use Tax on this sale also.

## OCCASIONAL SALE

92-0047 \$1.25 01/24/1992 Discusses whether sales of pre-leased furniture by furniture lessor constitutes an occasional sale.

92-0096 \$1.00 02/14/1992 The sale of printing press equipment by a financial institution that purchased the equipment in order to lease to a subsequent lessee would qualify as an isolated or occasional sale.

92-0106 \$2.75 02/21/1992 If the seller of tangible personal property for use would not be taxable under the Retailers' Occupation Tax despite all elements of the sale occurring in Illinois, then the tax imposed by the Use Tax Act shall not apply to the use of such tangible personal property in this State.

## POLLUTION CONTROL FACILITIES

92-0002 \$1.75 01/02/1992 The pollution control facility exemption is available for any "system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing or reducing air or water pollution ... or for the primary purpose of treating, pretreating, modifying or disposing of" any pollutant which if released might be harmful to human, plant or animal life or to property. If a device is intended primarily to confer an economic benefit on the user, it does not qualify for the exemption. Also, the device itself must reduce pollution (e.g., trucks hauling waste to a disposal site do not generally qualify for the exemption). Chemicals used primarily to treat, pretreat, modify or dispose of pollutants that might be harmful or offensive to human, plant or animal life or property without such treatment, qualify for the exemption.

92-0013 \$1.25 01/06/1992 If the purchaser or his contractor-installer buys an item that could reasonably qualify for exemption as a pollution control facility for use as a pollution control facility, the purchaser or his contractor installer should certify this included use of the item to the seller in order to relieve the seller of the duty of collecting and remitting the tax on the sale, but the purchaser who is buying the item in question allegedly for his use as a pollution control facility will be.

92-0016 \$1.25 01/08/1992 When a purchaser or his contractor-installer buys an item that could reasonably qualify for exemption as a pollution control facility, the purchaser who is buying the item in question allegedly for his use as a pollution control facility will be held liable for the tax by the Department if it is found that such purchaser does not use the item as a pollution control facility.

92-0018 \$1.00 01/08/1992 Air cleaners which have, as their primary purpose, the removal of pollutants from the air, qualify for the pollution control facilities exemption.

92-0042 \$1.25 01/17/1992 A baler which is used in a recycling operation to reduce the volume and change the form of aluminum, tin, plastic and cardboard, is not exempt as a pollution control facility. The baler does not reduce, prevent or eliminate air or water pollution or treat or dispose of potentially harmful pollutants. Similarly, a conveyor used in the recycling process does not constitute a pollution control facility, for it, too, does not fill these functions.

92-0060 \$1.00 01/28/1992 General discussion of the scope of the pollution control facilities exemption from the ROT.

92-0071 \$1.00 01/29/1992 Air cleaners may qualify for the pollution control exemption.

92-0072 \$1.00 01/30/1992 No exemption exists under the Retailers' Occupation Tax Act for the sale of compost.

## PRE-PAID SALES TAX

92-0020 \$1.00 01/09/1992 Effective March 1, 1984, motor fuel retailers were required to prepay to their distributor, supplier, or other reseller of motor fuel, three cents per gallon of the Retailers' Occupation Tax due on the eventual sale of the fuel, except for gasohol and dieselhol. Prior to this time, the retailer would simply provide his supplier with a Certificate of Resale on the motor fuel and remit Retailers' Occupation Tax on the fuel as sold.



PRODUCTS OF PHOTOPROCESSING

92-0081 02/04/1992 When a person uses a digital film recorder to transfer images on a computer tape onto film, then develops that film and produces transparencies for a customer, he is producing products of photoprocessing. Effective September 1, 1988, a person selling products of photoprocessing is subject to the Retailers' Occupation Tax.

92-0142 03/10/1992 Riverboat personnel taking pictures of passengers, developing film and then attempting to sell photos to passengers owe ROT either on the separately stated photoprocessing component of the bill or if not separately stated, then on 10% of the entire bill. The 10% rule applies to "professional photographers," and such riverboat personnel fall into this group. Tax base cannot be less than the cost price of the materials used in developing and printing the film. Riverboat owes tax to suppliers on the cost price of the film, paper not transferred to customers, and chemicals used in photoprocessing.

PUBLIC UTILITY TAX

92-0162 03/24/1992 Section 1 of the Public Utilities Revenue Act excludes from the definition of taxable "gross receipts": "...any minimum or other charge for electric service where the customer has taken no kilowatthours of electricity..."

RETURNS

92-0008 01/06/1992 Question 12 of Section 2 of the Business Registration Application (Form NUC-1) imposes no liability on anyone. That question only seeks the identify (and the signature) of the person or persons who will be responsible for filing returns and paying taxes due on behalf of the corporation.

92-0097 02/14/1992 Illinois Administrative Code Sec. 130.525 requires that returns be signed by the filer. Use of a rubber signature stamp would not fulfill the regulatory requirement.

ROLLING STOCK

92-0001 01/02/1992 The rolling stock exemption applies to purchases of tangible personal property by interstate carriers for hire for use as rolling stock moving in interstate commerce on a regular and frequent basis, or to lessors under leases of one year or long executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce on a regular and frequent basis. The exemption includes equipment or parts that become a physical component of qualifying rolling stock and to equipment which, though not physically incorporated, is dedicated to a particular qualifying carrier and participates directly in the transportation process.

92-0027 01/13/1992 General discussion of the scope of the rolling stock exemption.

92-0067 01/29/1992 A purchaser buying an airplane for use as rolling stock moving in interstate commerce must document the sale as tax-exempt by providing his seller with a completed RUT-7. He must also include his Interstate Commerce Commission Certificate of Authority number or must certify that he is a type of interstate carrier that is not required by law to have an Interstate Commerce Commission Certificate of Authority. In this event, he must include his Illinois Commerce Commission Certificate of Authority number, or if he is a type of carrier which is subject to regulation by some Federal Government agency other than the Interstate Commerce Commission, he must include his registration number from that regulatory agency. If a purchaser cannot obtain his Certificate of Authority prior to purchase, he must pay the tax and later, when he has obtained a Certificate of Authority, can request that the retailer refund his tax and apply for a credit memorandum. In this case, the purchaser can make no use of his plane in the interim period before obtaining his Certificate of Authority number, or else his eligibility for the exemption is destroyed. Subjecting the plane to tests and inspections required by the FAA for certification does not constitute an intervening use that would destroy eligibility for the exemption.

92-0111 02/25/1992 A Carrier's Interstate Commerce Commission Certificate of Authority must be provided on the certification documenting the rolling stock exemption.

92-0122 03/02/1992 The Rolling Stock Exemption applies to repair parts which become a physical component part of qualifying "Rolling Stock".



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92-0128  
\$1.25

03/04/1992 A courier service, which picks up papers and other documents at airports/bus terminals/train stations in Illinois and delivers them to their Illinois destination may qualify for the rolling stock exemption, because the exemption extends to "vehicles used by an interstate carrier for hire, even just between points in Illinois, in transporting, for hire, persons whose journeys or property whose shipments, originate or terminate outside Illinois on other carriers. This determination is highly fact-specific, and the claimant must produce books and records establishing that he is entitled to the exemption.

92-0137  
\$1.25

03/06/1992 The rolling stock exemption can be claimed by some purely intra-state carriers for hire who transport, on a regular and frequent basis, persons whose journeys or property whose shipments, originate or terminate outside Illinois on other carriers. The carrier must be able to establish through his books and records, such as trip logs, that he is entitled to claim the exemption.

92-0176  
\$1.25

03/31/1992 The Rolling Stock Exemption is set out at Section 130.340 of the department's regulations. It applies to sales of tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce on a regular and frequent basis.

## SALE AT RETAIL

92-0029  
\$1.00

01/13/1992 The sale of coupon books is not subject to the Retailers' Occupation Tax. Coupons represent an intangible right to purchase merchandise at some future time. However, vendors who accept such coupons will incur Retailers' Occupation Tax liability on their gross receipts from their sales involving the redemption of coupons. If a vendor is reimbursed in full or in part, for the value of the coupon, the reimbursement amount will be subject to the Retailers' Occupation Tax.

92-0031  
\$1.00

01/13/1992 All terrain vehicles may not be purchased tax-free with a driveway permit.

92-0059  
\$1.25

01/28/1992 Seller of rock is subject to ROT on sales.

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## SALE FOR RESALE

92-0007  
\$1.25

01/03/1992 In order to document the resale situation, the buyer must provide the seller with a certificate of resale that complies with requirements of Section 130.1405 of the Department's rules.

92-0030  
\$1.75

01/13/1992 Restaurants which purchase serving equipment for on-premises use in lieu of more durable equipment owe Use Tax on these purchases. If, however, the serving equipment (paper plates, cups with lids, plastic forks, straws) is used by the restaurant in its carry-out or delivery business only, then such tangible personal property can be purchased tax-free as purchases for resale to customers. If a combination use exists, then the restaurant can provide its supplier with a Percentage Certificate of Resale specifying the percentage of such purchases which are tax-free. Equipment which is used by the restaurant to prepare food, maintain the premises and ring up sales is fully taxable because it is used or consumed by the restaurant.

92-0055  
\$1.25

01/27/1992 In order to document the resale situation, the buyer must provide the seller a valid certificate of resale that complies with the requirements of Section 130.1405 of the Department's rules.

92-0126  
\$1.00

03/03/1992 Diesel fuel purchased for incorporation into a product which is a necessary ingredient of the product may be purchased for resale by giving a valid resale certificate to the supplier.

92-0156  
\$1.25

03/18/1992 This letter sets out the application of the sales tax laws to purchases of labels by retailers who will affix those labels to items being sold.

92-0165  
\$1.50

03/24/1992 Persons making purchases for the purpose of resale must provide their suppliers with Certificates of Resale meeting the requirements of Section 130.1405; these certificates must be retained by the supplier to document that the sale was a valid tax-exempt sale.

## SALE OF SERVICE

92-0011  
\$1.25

01/06/1992 The SOT provides that in the case of any serviceman making sales of service in which the cost price of prescription drugs transferred incident to the sale of service is less than 75% of the total gross receipts from the serviceman may satisfy his liability by paying Use Tax.



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92-0061 \$1.00 01/28/1992 The Service Occupation Tax is imposed on the transfer of tangible personal property incident to a sale of service.

92-0147 \$1.25 03/12/1992 When a "de minimus" nursing home, which receives partial payment from Medicare/Medicaid, buys drugs from a supplier, it can either provide its supplier with a blanket certificate of resale (everything is being purchased for resale purposes) and then self-assess and remit the tax due on drugs not paid for by the government, or it can give the supplier a percentage certificate of resale and pay tax only on the amount of the purchase that is taxable. If it cannot provide such documentation, it must pay the supplier tax. To be able to buy drugs from the supplier tax-free for subsequent sale to the government, the nursing home must be registered under the Service Occupation Tax.

## SELLERS OF NEWSPAPERS, MAGAZINES

92-0153 \$1.25 03/18/1992 To be a "magazine," a publication must be issued two or more times per year.

## SERVICE OCCUPATION TAX

92-0028 \$1.50 01/13/1992 When video tapes are duplicated by a video post production company, Service Occupation Tax is applicable to the transaction.

92-0112 \$1.25 02/27/1992 If a motorcycle repair shop located in Illinois purchases motorcycles which it repairs and resells to a foreign corporation (it ships the bikes overseas), it can claim the foreign commerce exemption from the Retailers' Occupation Tax.

## TELECOMMUNICATIONS EXCISE TAX

92-0022 \$1.25 01/10/1992 An "annual membership fee" was a portion of the gross charges to be paid for the act or privilege of originating or receiving telecommunications and therefore, subject to tax.

92-0099 \$1.25 02/19/1992 Section 10 of the Telecommunications Excise Tax Act (the credit and refund section) requires that claims be filed by the taxpayer or retailer which paid the tax to the Department. Section 6 of the Telecommunications Excise Tax Act provides that

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the sale for resale exemption is not available unless the purchaser has an active resale number and furnishes that number to the retailer in connection with certifying purchases are for resale.

92-0103 \$1.00 02/21/1992 To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges on the customer's billing statement.

## TEMPORARY STORAGE

92-0094 \$1.00 02/14/1992 The temporary storage exemption is set out at 86 Ill. Adm. Code 150.310.

## USE TAX

92-0006 \$1.50 01/03/1992 The Use Tax is a privilege tax imposed on the privilege of using in this State, any kind of tangible personal property that is purchased anywhere from a retailer as retailer is defined in the Use Tax Act.

92-0009 \$1.00 01/06/1992 Property is deemed to be purchased for the purpose of resale, despite being used, to the extent which it is resold as an ingredient of an intentionally produced product or by product of manufacturing.

92-0033 \$1.00 01/14/1992 Out-of-State sellers who fall under the definition of a "retailer maintaining a place of business in this State" are required to register and act as Illinois Use Tax collectors.

92-0065 \$1.00 01/29/1992 An out-of-state retailer that is required only to collect Illinois Use Tax from its customers (not Retailer's Occupation Tax), is required to collect and remit tax at a rate of 6.25%.

92-0070 \$1.25 01/29/1992 The use tax is a privilege tax imposed on the privilege of using in the State, any kind of tangible personal property that is purchased anywhere at retail from a retailer a "retailer" is defined in the Use Tax Act.

92-0080 \$1.25 02/04/1992 An Illinois farmer purchasing wood shavings from unregistered out-of-state retailer must self-assess the Use Tax on that purchase and remit it to the Department. The tax is due by



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the last day of the month following the month in which any payment on the selling price was made.

92-0087  
\$1.00

02/07/1992 Purchase of vehicles was subject to tax.

92-0090  
\$1.25

02/11/1992 In Illinois, the lessor of tangible personal property under a true lease is deemed the end user of the property to be leased. As the end user, the lessor owes use tax when purchasing such property.

92-0092  
\$1.25

02/13/1992 The Retailers' Occupation Tax is a tax imposed upon gross receipts received by retailers selling in Illinois. If a purchaser fails to pay a retailer the Use Tax, that does not relieve the retailer from remitting the Retailers' Occupation Tax on gross receipts from that sale. When the purchaser does not pay the retailer use tax, the retailer's recourse is against the purchaser to obtain the Use Tax, including legal action.

92-0119  
\$1.00

03/02/1992 The inclusion of a company as part of a unitary business group for Income Tax filing purposes will not otherwise, on its own, establish nexus under the Use Tax Act.

92-0120  
\$1.25

03/02/1992 The temporary storage exemption is not available to packing materials purchased outside Illinois by a common carrier and used in Illinois to pack cargo for shipment outside Illinois.

92-0129  
\$1.25

03/04/1992 All property which is either used or consumed in Illinois is subject to Illinois Use Tax unless a valid exemption can be documented. Cargo containers manufactured in Mexico will be subject to Illinois Use Tax if used in this State and no other taxing jurisdiction has imposed a tax.

92-0144  
\$1.00

03/11/1992 As a general rule, the Use Tax should be separately stated to the customer on a receipt provided by the seller. Sometimes this is impractical, such as in sales at bars or from vending machines. In these cases, it is permissible for the seller to post a sign stating that the selling price of the item includes all State and local sales taxes. The sign must comply with all the requirements of Section 150.1310. The posted sign method may not be used where the retailer issues sales tickets to customers.

92-0149  
\$1.00

03/16/1992 A paid receipt from an Illinois retailer showing the tax as a separate item establishes that the Use Tax has been paid.

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92-0151  
\$1.00

03/17/1992 Receipts from sales of service contracts sold on and after January 1, 1991, are not subject to Illinois sales tax liability. The serviceman pays his supplier Use Tax on the cost price of the tangible personal property transferred incident to completion of the service maintenance agreement.

92-0155  
\$1.00

03/18/1992 Verification of local Use Tax rates.

92-0164  
\$1.00

03/24/1992 The Department has no authority to tell an out-of-State retailer who has had nexus with Illinois for some time, that its Use Tax obligations will be prospective from its date of Illinois registration.

92-0169  
\$1.00

03/25/1992 The Department has no authority to assure an out-of-State seller which has had nexus with Illinois for some time, that its Use Tax collection obligations will be prospective from its date of registration.

## VEHICLE USE TAX

92-0145  
\$1.00

03/11/1992 The transfer of a motor vehicle title to a bank acting as a trustee for a decedent does not trigger the Vehicle Use Tax, since the car was not obtained by "purchase." The Vehicle Use Tax applies only to motor vehicles acquired by purchase. If the bank, however, took title in its own name, rather than as a trustee, the transaction would be subject to tax.

92-0179  
\$1.25

03/31/1992 Purchases of vehicles from government agency are subject to Vehicle Use Tax paid by purchasers.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 3, 1992 through June 9, 1992, and have been scheduled for review by the Committee at its June 16, 1992 meeting at 10:00 a.m., or the July meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/16/92	Department on Aging, Community Care Program (89 Ill Adm Code 240)	12/2/91 15 Ill Reg 17007	6/16/92
7/16/92	Department on Aging, Community Care Program (89 Ill Adm Code 240)	10/11/91 15 Ill Reg 14335	6/16/92
7/17/92	Department of Revenue, Riverboat Gambling (86 Ill Adm Code 3000)	3/13/92 16 Ill Reg 3802	6/16/92
7/20/92	Department of Alcoholism and Substance Abuse, Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)	4/3/92 16 Ill Reg 5104	6/16/92
7/22/92	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	2/21/92 16 Ill Reg 2752	7/21/92
7/22/92	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	3/27/92 16 Ill Reg 4741	7/21/92
7/22/92	Department of Public Aid, Application Process (89 Ill Adm Code 110)	3/27/92 16 Ill Reg 4704	7/21/92
7/22/92	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill Adm Code 215)	3/27/92 16 Ill Reg 4682	7/21/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/22/92	State Board of Education, Special Education (23 Ill Adm Code 226)	3/13/92 16 Ill Reg 3724	7/21/92
7/22/92	Capital Development Board, Pre-qualification and Suspension of Contractors (44 Ill Adm Code 950)	3/13/92 16 Ill Reg 3695	7/21/92



## PROCLAMATION

92-283

## AARP/IRTA WEEK

Whereas, almost every older person in this country has benefited from the efforts of the American Association of Retired Persons, the National Retired Teachers Association, and the Illinois Retired Teachers Association; and

Whereas, AARP and IRTA members constitute a distinctive source of continuing support of public policy and of volunteer expertise and energy applied to a wide variety of social programs; and

Whereas, the challenges of volunteerism are as variable as the talents and personalities of the people they serve and require years of extraordinary patience and sensitivity; and

Whereas, the motto of AARP, "Bringing Lifetimes of Experience and Leadership to Serve All Generations," will provide leadership in setting an example for younger generations who will assume the responsibility to our state and nation; and

Whereas, the Retired Teachers of Illinois have dedicated their lives and careers toward educating and inspiring the present and future leaders of this state and continue to voluntarily provide leadership to our schools and communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 15-22, 1992, as AARP/IRTA WEEK in Illinois. I urge all citizens to join me in recognizing the contributions of AARP and IRTA in improving the quality of life for Illinois residents of all ages.

Issued by the Governor May 28, 1992.

Filed with the Secretary of State June 5, 1992.

92-284

## ILLINOIS PROJECT FOR HANDICAPPED CHILDREN DAY

Whereas, the Kappa Alpha Theta Illinois Project for Handicapped Children was initiated in 1942; and

Whereas, the program provides aid to Illinois' handicapped children whose needs cannot be met through established public and private agencies; and

Whereas, the Illinois Project for Handicapped Children opens doors for many of our young people, making their lives easier, helping them to realize their full potential, and putting smiles on their faces; and

Whereas, 1992 marks the 50th anniversary of the Illinois Project for Handicapped Children; and

Whereas, the Illinois Project for Handicapped Children is holding a 50th anniversary celebration June 5 to raise funds for the program and to commemorate its 50 years of service to our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim June 5, 1992, as ILLINOIS PROJECT FOR HANDICAPPED CHILDREN DAY in Illinois and commend the program on the devotion it has shown in improving the quality of life for our young people.

Issued by the Governor May 28, 1992.

Filed with the Secretary of State June 5, 1992.

92-285

## COAL AWARENESS WEEK

Whereas, coal production is Illinois' second-largest industry, providing direct employment for more than 13,000 Illinoisans as well as related employment for tens of thousands of others; and

Whereas, coal has played a pivotal role in the history and development of Illinois as a vital social, industrial, and economic power; and

Whereas, coal adds to the quality of all our lives, through its contribution to the economy and its use in generating nearly 60 percent of America's electricity; and

Whereas, Illinois has been and continues to be a leader in the effort to find and promote ways to burn our vast coal resources without causing harm to the environment, committing more than \$191 million to these efforts so far, thus driving an additional \$915 million in federal and private funds;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18-24, 1992, as COAL AWARENESS WEEK in Illinois, and I urge citizens to help support this highly important Illinois industry.

Issued by the Governor June 1, 1992.

Filed with the Secretary of State June 5, 1992.

92-286

## LAKE FOREST WOMAN'S CLUB DAY

Whereas, the Lake Forest Woman's Club was organized November 13, 1902, was incorporated May 19, 1909, and joined the General Federation in 1916. Currently, the club has approximately 300 members; and

Whereas, the Lake Forest Woman's Club follows the national club's goals by enhancing the intellectual and cultural life of women, encouraging agreeable and useful relations among club members, improving moral and social conditions in the community, advancing the general welfare of humanity, and promoting charitable and educational endeavors; and

Whereas, for the past 90 years, the Lake Forest Woman's Club has sponsored a spectrum of meritorious community programs. It initiated the Visiting Nurse Program and the First Lake Forest Day, supported Jane Addams and Hull House, assisted in establishing Lake Forest High School, started volunteer programs



for the Veterans Hospital in Downey, provided volunteers for wheelchair-bound veterans at Great Lakes Hospital, and provided scholarships to two Lake Forest High School seniors; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1, 1992, as LAKE FOREST WOMAN'S CLUB DAY in Illinois and commend club members on the dedication they have shown to improving the quality of life for the citizens of their community.

Issued by the Governor June 1, 1992.

Filed with the Secretary of State June 5, 1992.

## 92-287

## BLOOD DONOR AWARENESS MONTH

Whereas, giving blood is a safe, normal, healthy human activity that helps save lives; and  
Whereas, blood donors are needed daily to meet the needs of patients in emergency rooms and surgical suites across the state and to offer continued hope to leukemia and cancer victims, patients with heart disease or sickle cell anemia, people who receive organ transplants, and all others who need blood transfusions to maintain or regain their health; and  
Whereas, August is being designated as Blood Donor Awareness Month to encourage healthy citizens to join the ranks of blood donors and give of themselves generously; and  
Whereas, this observation comes during a season when blood supplies typically dip dangerously low; and  
Whereas, we should acknowledge the silent heroes who continue to unselfishly help save lives with each and every blood donation they give;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1992 as BLOOD DONOR AWARENESS MONTH in Illinois.

Issued by the Governor June 2, 1992.

Filed with the Secretary of State June 5, 1992.

## 92-288

## ENTERPRISE ZONE WEEK

Whereas, since its inception in 1982, the State of Illinois Enterprise Zone Program has created hundreds of job opportunities and spurred millions in private investment; and  
Whereas, the Illinois Enterprise Zone program represents a cost-effective alternative to funding loan and grant programs, by offering supply side tax incentives and tax credits for expanding commercial and industrial bases within Enterprise Zones; and  
Whereas, the Illinois Enterprise Zone Association has launched a statewide membership drive to bring the message of reinvigoration and revitalization to all 90 of the State Enterprise Zones certified by the Department of Commerce and Community Affairs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7-13, 1992, as ENTERPRISE ZONE WEEK in Illinois.

Issued by the Governor June 2, 1992.

Filed with the Secretary of State June 5, 1992.

## 92-289

## GOVERNOR'S CUP WEEKEND

Whereas, the Governor's Cup Circuit Race and Criterium will be held in Springfield June 13-14; and  
Whereas, the event is expected to attract more than 500 cyclists from across our nation and will provide exciting entertainment for thousands of spectators; and  
Whereas, the majority of racing will be for riders licensed by the United States Cycling Federation, the cycling arm of the U.S. Olympic Committee, but nonlicensed riders will also be given an opportunity to participate in the Prairie State Games; and  
Whereas, Cycle Sound Service and Bikefek Cycle Shop of Springfield are promoting the event. Race sponsors include Country Companies Insurance, Domino's Pizza, WYMG-FM, the Illinois Soybean Program Operating Board, BASF-Ag Chemical Group, and others; and  
Whereas, the event is intended to reflect Illinois' healthful lifestyle by promoting the home-grown goodness of Illinois products and forbidding beer or cigarette sponsors; and  
Whereas, the Circuit Race will take place Saturday, June 13, on a 2-mile course on the west side of the Illinois State Fairgrounds. The Governor's Cup Criterium will be a .9-mile square course around the State Capitol Building Sunday, June 14, 1992;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 13-14, 1992, as GOVERNOR'S CUP WEEKEND in Illinois and encourage citizens to take part in the activities.

Issued by the Governor June 2, 1992.

Filed with the Secretary of State June 5, 1992.

## 92-290

LIONS CLUBS INTERNATIONAL/  
75TH ANNIVERSARY DIAMOND JUBILEE CELEBRATION

Whereas, since its inception in Chicago on June 7, 1917, Lions Clubs International has grown to be the world's largest humanitarian service club organization, with more than 1.4 million members in 40,000 clubs in 177 countries; and  
Whereas, Lions Clubs International has given 75 years of humanitarian service throughout the world, including launching SightFirst, a \$130 million initiative to rid the world of preventable and reversible blindness; and  
Whereas, Lions Clubs International has helped provide 25,000 corneal transplants yearly; annually distributed 1,000,000 used



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eyeglasses worldwide; organized 10,000 diabetes education programs; built 153 medical facilities; and established 79 vocational training centers for people who are blind, disabled, or underprivileged; and

Whereas, since its establishment in 1968, Lions Clubs International Foundation has approved \$41.7 million in grants for vocational assistance, major disaster relief, and humanitarian services throughout the world, including the construction of medical and educational facilities; and

Whereas, Lions Clubs International sponsors Lions-Quest "Skills for Adolescence," the largest drug abuse prevention curriculum in the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7, 1992, as the 75TH ANNIVERSARY DIAMOND JUBILEE CELEBRATION OF LIONS CLUBS INTERNATIONAL in Illinois.

Issued by the Governor June 2, 1992.  
Filed with the Secretary of State June 5, 1992.

92-291  
NEUROFIBROMATOSIS MONTH

Whereas, neurofibromatosis is the most common tumor-causing genetic disorder of the human nervous system; and

Whereas, neurofibromatosis strikes males and females of all races and ethnic groups. The disorder may lead to disfigurement, blindness, deafness, loss of limbs, scoliosis, and brain and spinal tumors; and

Whereas, great strides have been made in neurofibromatosis research with the discovery of the neurofibromatosis gene, its product, and functions; and

Whereas, the neurofibromatosis gene is known to be a tumor suppressor gene, and research into neurofibromatosis has profound significance for investigations into the causes of cancer; and

Whereas, an animal model for NF1 has recently been found, and a candidate gene for NF2 has also been discovered; and

Whereas, because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is five times greater than in the general population, progress in neurofibromatosis research is vital to achieving a better understanding of the causes of the learning disabilities that affect more than 30 million Americans; and

Whereas, the National Neurofibromatosis Foundation, Inc., a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1992 as NEUROFIBROMATOSIS MONTH in Illinois.  
Issued by the Governor June 2, 1992.  
Filed with the Secretary of State June 5, 1992.

92-292  
NEW COVENANT MISSIONARY BAPTIST CBPA DAY

Whereas, the Christian Business and Professional Association (CBPA) consists of more than 40 African-American business owners and professionals who provide consultation, evaluations, and recommendations on the business affairs of the New Covenant Missionary Baptist Church of Chicago; and

Whereas, Reverend Stephen J. Thurston, pastor of New Covenant, has designated Sunday, June 7, 1992, as CBPA Recognition Day at the church; and

Whereas, during the 5 p.m. worship services June 7, the theme of the event, "Church and Business Bridging the Gap," will be highlighted in a keynote address by Joseph E. Gardner, commissioner of the Metropolitan Water Reclamation District of Greater Chicago; and

Whereas, representatives from community, business, and government organizations will join with New Covenant in recognizing the CBPA;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7, 1992, as NEW COVENANT MISSIONARY BAPTIST CBPA DAY in Illinois.

Issued by the Governor June 2, 1992.  
Filed with the Secretary of State June 5, 1992.

92-293  
CHILDREN WITH AIDS AWARENESS DAY

Whereas, the Families' and Childrens' AIDS Network is comprised of individuals and organizations concerned about families and children affected by the human immunodeficiency virus (HIV); and

Whereas, the Families' and Childrens' AIDS Network strives to promote and develop family-centered, community-based, coordinated care by a three-point approach of coordination of services and efforts among human service providers; advocacy for the needs of HIV-affected families and children; and education of the general public and human service providers on HIV infection in children and families; and

Whereas, the Families' and Childrens' AIDS Network represents the needs and issues of HIV-affected families and children to AIDS councils and professional associations in allied fields such as chemical dependency treatment, maternal and child health, child welfare, and women's issues; and

Whereas, the Families' and Childrens' AIDS Network works closely with other coalitions, such as the Children's Place Association, AIDS Foundation of Chicago, and Illinois Women's Agenda; and

Whereas, June 11, 1992, is National Children with AIDS



Awareness Day; and

Whereas, Illinois will commemorate this day with an exhibit in the State of Illinois Center to increase the awareness of the impact of AIDS on children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11, 1992, as Children with AIDS Awareness Day in Illinois.

Issued by the Governor June 4, 1992.

Filed with the Secretary of State June 5, 1992.

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JCAR - Joint Committee on Administrative Rules	
ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR
RQ - Request for Correction	Objections

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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62 Ill. Adm. Code 2501

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89 Ill. Adm. Code 240

89 Ill. Adm. Code 230

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8 Ill. Adm. Code 1  
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- 89 Ill. Adm. Code 407 Licensing Standards for Day Care Centers (P-14729/92; A-7597)
- 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (E-14734/91; M-2269) (P-14734/91; A-7602)
- 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-14764/91; A-8950)
- 89 Ill. Adm. Code 378 Multiple Licensure (PR-7561)
- 89 Ill. Adm. Code 335 Relative Home Placement (P-8415/91; A-7633)
- 89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982)
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- 14 Ill. Adm. Code 526 County Economic Development Project Area Property Tax Allocation Financing (P-6524)
- 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-5124)
- 56 Ill. Adm. Code 2620 Employment & Training Assistance for Dislocated Workers (PR-12964/91; AR-6175)
- 14 Ill. Adm. Code 520 Enterprise Zone Program (P-9787/91; A-89)
- 47 Ill. Adm. Code 140 Ill. Clean & Beautiful Program (PR-13241/91; AR-2120)
- 56 Ill. Adm. Code 2650 Industrial Training Program (P-9202)
- 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-10249/91; A-3464) (P-7090)
- 47 Ill. Adm. Code 100 Low Income Home Energy Assistance Program (P-14337/91; A-3940)
- 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-7120)
- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-13993/91; A-3078)
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- 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-14340/91; A-6177) (P-16535/91; A-6177) (P-7572)
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- 83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-11899/91; A-2544)
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92-293	Children With AIDS Awareness Day	10122

The Sections Affected Index lists, by Title, each Section of a Part on which rulemaking activity has occurred in this volume (calendar year) of the Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash (e.g. 11 Ill. Adm. Code 436.05 was proposed last year and adopted this year. The action entry reads: (P-15655/91; A-4520). The codes are listed below.

TYPE OF RULEMAKING

am = amendment to existing Section  
cc = codification changes  
n = new Section  
r = repeal of existing Section  
re = recodified  
# = renumbered

ACTION CODES

A = Adopted rule  
C = Correction  
CC = Codification Changes  
E = Emergency rule  
F = Failure to Remedy Objection  
M = Modification  
O = JCAR Objection  
P = Proposed rule  
PF = Prohibited filing  
PP = Peremptory rule  
R = Refusal to Modify or Withdraw  
RQ = Request for Correction  
S = Suspend rule  
W = Withdrawal of



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TITLE 1		TITLE 2		TITLE 3		TITLE 4 (CONT'D)		TITLE 5	
245.100	n	(P-2314; A-8509)		100.10	n	325.150	n	(P-2113; A-8565)	550.50
245.110	n	(P-2314; A-8509)		100.20	n	325.160	n	(P-2113; A-8565)	550.60
245.120	n	(P-2314; A-8509)		100.30	n	325.170	n	(P-2113; A-8565)	550.70
245.130	n	(P-2314; A-8509)		100.40	n	350.110	n	(P-2106)	575.10
245.140	n	(P-2314; A-8509)		100.50	n	350.120	n	(P-2106)	575.20
245 Ex. A	n	(P-2314; A-8509)		100.60	n	350.130	n	(P-2106)	575.30
245 Ex. B	n	(P-2314; A-8509)		100.70	n	350.140	n	(P-2106)	575.40
				100.80	n	350.150	n	(P-2106)	575.50
				100.90	n	350.160	n	(P-2106)	575.60
				101.00	n	350.170	n	(P-2106)	600.10
				101.10	n	350.180	n	(P-2106)	600.20
				101.20	n	375.10	n	(P-4125)	600.30
				101.30	n	375.20	n	(P-4125)	600.40
				101.40	n	375.30	n	(P-4125)	600.50
				101.50	n	375.40	n	(P-4125)	600.60
				101.60	n	375.50	n	(P-4125)	600.70
				101.70	n	375.60	n	(P-4125)	650.10
				101.80	n	375.70	n	(P-4125)	650.20
				101.90	n	400.10	n	(P-5133)	650.30
				102.00	n	400.20	n	(P-5133)	650.40
				102.10	n	400.30	n	(P-5133)	650.50
				102.20	n	400.40	n	(P-5133)	650.60
				102.30	n	400.50	n	(P-5133)	650.70
				102.40	n	400.60	n	(P-5133)	675.10
				102.50	n	400.70	n	(P-5133)	675.20
				102.60	n	450.10	n	(P-2292; A-8944)	675.30
				102.70	n	450.20	n	(P-2292; A-8944)	675.40
				102.80	n	450.30	n	(P-2292; A-8944)	675.50
				102.90	n	450.40	n	(P-2292; A-8944)	675.60
				103.00	n	450.50	n	(P-2292; A-8944)	675.70
				103.10	n	450.60	n	(P-2292; A-8944)	750.10
				103.20	n	450.70	n	(P-2292; A-8944)	750.20
				103.30	n	475.10	n	(P-3707)	750.30
				103.40	n	475.15	n	(P-3707)	750.40
				103.50	n	475.17	n	(P-3707)	750.50
				103.60	n	475.20	n	(P-3707)	750.60
				103.70	n	475.30	n	(P-3707)	750.70
				103.80	n	475.40	n	(P-3707)	850.10
				103.90	n	475.50	n	(P-3707)	850.20
				104.00	n	500.1	n	(P-2721)	850.30
				104.10	n	500.2	n	(P-2721)	850.40
				104.20	n	500.3	n	(P-2721)	850.50
				104.30	n	500.4	n	(P-2721)	850.60
				104.40	n	500.5	n	(P-2721)	850.70
				104.50	n	500.6	n	(P-2721)	875.10
				104.60	n	500.7	n	(P-2721)	875.20
				104.70	n	550.10	n	(P-5097)	875.30
				104.80	n	550.20	n	(P-5097)	875.40
				104.90	n	550.30	n	(P-5097)	875.50
				105.00	n	550.40	n	(P-5097)	875.60
				105.10	n		n		875.70

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TITLE 1		TITLE 2		TITLE 3		TITLE 4		TITLE 5	
245.100	n	(P-2314; A-8509)		100.10	n	(P-3444; A-8559)			
245.110	n	(P-2314; A-8509)		100.20	n	(P-3444; A-8559)			
245.120	n	(P-2314; A-8509)		100.30	n	(P-3444; A-8559)			
245.130	n	(P-2314; A-8509)		100.40	n	(P-3444; A-8559)			
245.140	n	(P-2314; A-8509)		100.50	n	(P-3444; A-8559)			
245 Ex. A	n	(P-2314; A-8509)		100.60	n	(P-3444; A-8559)			
245 Ex. B	n	(P-2314; A-8509)		100.70	n	(P-3444; A-8559)			
				100.80	n	(P-2283)			
				100.90	n	(P-2283)			
				101.00	n	(P-2283)			
				101.10	n	(P-2283)			
				101.20	n	(P-2283)			
				101.30	n	(P-2283)			
				101.40	n	(P-2283)			
				101.50	n	(P-2283)			
				101.60	n	(P-2283)			
				101.70	n	(P-2283)			
				101.80	n	(P-2283)			
				101.90	n	(P-2283)			
				102.00	n	(P-9129)			
				102.10	n	(P-9129)			
				102.20	n	(P-9129)			
				102.30	n	(P-9129)			
				102.40	n	(P-9129)			
				102.50	n	(P-9129)			
				102.60	n	(P-9129)			
				102.70	n	(P-9129)			
				102.80	n	(P-9129)			
				102.90	n	(P-9129)			
				103.00	n	(P-9129)			
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				103.80	n	(P-9129)			
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				104.80	n	(P-9129)			
				104.90	n	(P-9129)			
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				106.70	n	(P-9129)			
				106.80	n	(P-9129)			
				106.90	n	(P-9129)			
				107.00	n	(P-9129)			
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				107.80	n	(P-9129)			
				107.90	n	(P-9129)			
				108.00	n	(P-9129)			
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				110.70	n	(P-9129)			
				110.80	n	(P-9129)			
				110.90	n	(P-9129)			
				111.00	n	(P-9129)			
				111.10	n	(P-9129)			
				111.20	n	(P-9129)			
				111.30	n	(P-9129)			
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				111.60	n	(P-9129)			
				111.70	n	(P-9129)			
				111.80	n	(P-9129)			
				111.90	n	(P-9129)			
				112.00	n	(P-9129)			
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				113.70	n	(P-9129)			
				113.80	n	(P-9129)			
				113.90	n	(P-9129)			
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				114.20	n	(P-9129)			
				114.30	n	(P-9129)			
				114.40	n	(P-9129)			
				114.50	n	(P-9129)			
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				114.70	n	(P-9129)			
				114.80	n	(P-9129)			
				114.90	n	(P-9129)			
				115.00	n	(P-9129)			
				115.10	n	(P-9129)			
				115.20	n	(P-9129)			
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				115.50	n	(P-9129)			
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				115.70	n	(P-9129)			
				115.80	n	(P-9129)			
				115.90	n	(P-9129)			
				116.00	n	(P-9129)			
				116.10	n	(P-9129)			
				116.20	n	(P-9129)			
				116.30	n	(P-9129)			
				116.40	n	(P-9129)			
				116.50	n	(P-9129)			
				116.60	n	(P-9129)			
				116.70	n	(P-9129)			
				116.80	n	(P-9129)			
				116.90	n	(P-9129)			
				117.00	n	(P-9129)			
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				117.30	n	(P-9129)			
				117.40	n	(P-9129)			
				117.50	n	(P-9129)			
				117.60	n	(P-9129)			
				117.70	n	(P-9129)			
				117.80	n	(P-9129)			
				117.90	n	(P-9129)			
				118.00	n	(P-9129)			
				118.10	n	(P-9129)			
				118.20	n	(P-9129)			
				118.30	n	(P-9129)			
				118.40	n	(P-9129)			
				118.50	n	(P-9129)			
				118.60	n	(P-9129)			
				118.70	n	(P-9129)			
				118.80	n	(P-9129)			
				118.90	n	(P-9129)			
				119.00	n	(P-9129)			
				119.10	n	(P-9129)			
				119.20	n	(P-9129)			
				119.30	n	(P-9129)			
				119.40	n	(P-9129)			
				119.50	n	(P-9129)			
				119.60	n	(P-9129)			
				119.70	n	(P-9129)			
				119.80	n	(P-9129)			
				119.90	n	(P-9129)			
				120.00	n	(P-9129)			
				120.10	n	(P-9129)			
				120.20	n	(P-9129)			
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880.40	n	(P-13603/91; A-109)	3020.40	am	(P-14820/91; A-1833)
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890.30	n	(P-17811/91; A-5262)	3030.30	am	(P-14807/91; A-1816)
890.40	n	(P-17811/91; A-5262)	3030.50	am	(P-14807/91; A-1816)
890.50	n	(P-17811/91; A-5262)	3030.60	am	(P-14807/91; A-1816)
950.20	am	(P-5429)	3035.40	am	(P-14783/91; A-1797)
950.40	am	(P-5429)	3035.70	am	(P-14783/91; A-1797)
960.30	am	(P-5433)	3035.80	am	(P-14783/91; A-1797)
970.10	r	(P-2727; R-8497)	4170.100	n	(P-5576)
970.20	r	(P-2727; R-8497)	4170.110	n	(P-5576)
970.30	r	(P-2727; R-8497)	4170.120	n	(P-5576)
970.40	r	(P-2727; R-8497)	4170.130	n	(P-5576)
970.50	r	(P-2727; R-8497)	4170.200	n	(P-5576)
970.60	r	(P-2727; R-8497)	4170.250	n	(P-5576)
1110.30	am	(P-13594/91; A-103)	4170.300	n	(P-5576)
1530.30	am	(P-2972; A-8489)	4170.400	n	(P-5576)
1530.50	am	(P-2972; A-8489)	4170.500	n	(P-5576)
1530.60	am	(P-2972; A-8489)	4170.550	n	(P-5576)
1530.Ex.A	n	(P-2972; A-8489)	4170.600	n	(P-5576)
1530.Ex.B	n	(P-2972; A-8489)	4170.700	n	(P-5576)
1535.1	n	(P-2979; A-8499)	4170.800	n	(P-5576)
1535.5	am	(P-2979; A-8499)			
1535.50	am	(P-2979; A-8499)			
1538.5	n	(P-755; W-4555) (P-4148)	210.20	am	(P-17010/91; A-6979)
1538.10	n	(P-755; W-4555) (P-4148)	210.30	am	(P-17010/91; A-6979)
1538.20	n	(P-755; W-4555) (P-4148)	405.20	am	(P-5176)
1538.30	n	(P-755; W-4555) (P-4148)	405.50	am	(P-5176)
1538.40	n	(P-755; W-4555) (P-4148)	405.60	am	(P-5176)
1538.50	n	(P-755; W-4555) (P-4148)	435.10	am	(P-1941; A-8166)
1538.60	n	(P-755; W-4555) (P-4148)	435.12	n	(P-1941; A-8166)
1538.70	n	(P-755; W-4555) (P-4148)	435.15	am	(P-1941; A-8166)
1538.80	n	(P-755; W-4555) (P-4148)	435.20	am	(P-1941; A-8166)
1538.90	n	(P-755; W-4555) (P-4148)	435.30	am	(P-1941; A-8166)
1590.50	am	(P-4132)	435.40	am	(P-1941; A-8166)
1590.60	am	(P-4132)	435.50	am	(P-1941; A-8166)
1590.70	am	(P-4132)	435.60	am	(P-1941; A-8166)
1590.80	am	(P-4132)	435.70	n	(P-1941; A-8166)
1590.90	am	(P-4132)	504.802	am	(P-3715)
1590.100	am	(P-4132)	504.810	am	(P-3715)
1590.110	am	(P-4132)	504.830	am	(P-3715)
1590.120	am	(P-4132)	504.905	am	(P-3715)
2030.15	am	(P-2302; A-8483)	504.910	am	(P-3715)
2030.20	am	(P-2302; A-8483)			

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504.930	am	(P-3715)	1570.60	n	(P-2732)
525.110	am	(E-3583) (P-5166)	1580.10	n	(P-1948)
525.130	am	(E-3583) (P-5166)	1580.20	n	(P-1948)
525.140	am	(E-3583) (P-5166)	1580.30	n	(P-1948)
525.150	am	(E-3583) (P-5166)	1580.40	n	(P-1948)
105.10	n	(P-4803)	1580.50	n	(P-1948)
1205.20	n	(P-4803)	1720.15	am	(P-15251/91; A-4002)
1205.30	n	(P-4803)	1720.35	n	(E-727) (P-7756)
1205.40	n	(P-4803)	1800.10	n	(P-10)
1205.50	n	(P-4803)	1800.20	n	(P-10)
1235.10	n	(E-17785/91; O-1746)	1800.30	n	(P-10)
1235.20	n	(P-17566/91; A-7041)	1800.40	n	(P-10)
1235.30	n	(E-17785/91; O-1746)	1810.100	n	(P-469) (E-732)
1235.40	n	(P-17566/91; A-7041)	1810.110	n	(P-469) (E-732)
1235.50	n	(E-17785/91; O-1746)	1810.200	n	(P-469) (E-732)
1235.60	n	(P-17566/91; A-7041)	1810.210	n	(P-469) (E-732)
1235.70	n	(E-17785/91; O-1746)	1810.220	n	(P-469) (E-732)
1235.80	n	(P-17566/91; A-7041)	1810.230	n	(P-469) (E-732)
1235.90	n	(E-17785/91; O-1746)	1810.240	n	(P-469) (E-732)
1235.100	n	(P-17566/91; A-7041)	1810.250	n	(P-469) (E-732)
1235.110	n	(E-17785/91; O-1746)	1810.300	n	(P-469) (E-732)
1235.120	n	(P-17566/91; A-7041)	1810.400	n	(P-469)
1235.130	n	(E-17785/91; O-1746)	1810.410	n	(P-469) (E-732)
1285.10	n	(P-3840)	1810.420	n	(P-469) (E-732)
1285.20	n	(P-3840)	1810.430	n	(P-469) (E-732)
1285.30	n	(P-3840)	1810.440	n	(P-469) (E-732)
1285.40	n	(P-3840)	1810.500	n	(P-469) (E-732)
1285.50	n	(P-3840)	1810.510	n	(P-469) (E-732)
1285.60	n	(P-3840)	1810.520	n	(P-469) (E-732)
1285.70	n	(P-3840)	1810.530	n	(P-469) (E-732)
1285.80	n	(P-3840)	1810.540	n	(P-469) (E-732)
1570.10	n	(P-2732)	1810.550	n	(P-469) (E-732)
1570.20	n	(P-2732)	1810.600	n	(P-469) (E-732)
1570.30	n	(P-2732)	1810.610	n	(P-469) (E-732)
1570.40	n	(P-2732)	1810.620	n	(P-469) (E-732)
			1810.700	n	(P-469) (E-732)
			1810.710	n	(P-469) (E-732)
			1810.720	n	(P-469) (E-732)
			1810.730	n	(P-469) (E-732)
			1810.800	n	(P-469) (E-732)
			1810.900	n	(P-469) (E-732)
			1810.910	n	(P-469) (E-732)
			1810.1000	n	(P-469) (E-732)
			1810.1010	n	(P-469) (E-732)
			1810.1020	n	(P-469) (E-732)
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2735.80	am (P-4458)	205.30	am (P-5556)
2735.100	am (P-4458)	205.40	am (P-5556)
2735.Ap.A	am (P-4458)		
2760.5	am (P-4483)		
2760.10	am (P-4483)		
2760.30	am (P-4483)		
2760.40	am (P-4483)		
2761.10	am (P-4452)		
2761.20	am (P-4452)		
2761.30	am (P-4452)		
2762.10	am (P-4475)		
2762.20	am (P-4475)		
2762.30	am (P-4475)		
2762.40	am (P-4475)		
2763.10	n (P-18129/91; A-7048)		
2763.20	n (P-18129/91; A-7048)		
2763.30	n (P-18129/91; A-7048)		
2763.40	n (P-18129/91; A-7048)		
2763.50	n (P-18129/91; A-7048)		
2770.10	# (P-4491)		
2770.20	n (P-4491)		
2770.30	# (P-4491)		
2770.40	am (P-4491)		
2771.10	n (P-18114/91; A-6873)		
2771.20	n (P-18114/91; A-6873)		
2771.30	n (P-18114/91; A-6873)		
2771.Ap.A	n (P-18114/91; A-6873)		
2790.10	am (P-4431)		
2790.20	am (P-4431)		
2790.30	am (P-4431)		
2790.40	am (P-4431)		
2790.50	am (P-4431)		
2790.60	am (P-4431)		
2790.70	am (P-4431)		
2790.80	am (P-4431)		
2790.90	am (P-4431)		
2790.100	am (P-4431)		
2790.110	am (P-4431)		
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1.420	am (P-8684)	211.122	am (P-15875/91; A-7656)
1.440	am (P-8684)		am (P-6606)
1.720	am (P-8684)		
1.730	am (P-8684)		
1.735	am (P-8684)		
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25.120	am (P-9234)		
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120.40	am (P-1452)		
120.50	am (P-1452)		
120.60	am (P-1452)		
120.90	am (P-1452)		
130.10	am (P-1439; A-9475)		
130.20	am (P-1439; A-9475)		
130.30	am (P-1439; A-9475)		
130.40	am (P-1439; A-9475)		
130.45	n (P-1439; A-9475)		
130.50	am (P-1439; A-9475)		
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202.20	am (P-7231)		
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228.50	am (P-9253)		
235.10	n (P-439)		
235.20	n (P-439)		
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212.110	am	(P-16564/91; A-7880)	244.169	am	(P-22; A-8191)
212.111	am	(P-16564/91; A-7880)	244.Ap.D	am	(P-17026/91; W-7511)
212.113	am	(P-41; A-8204)	303.203	am	(P-17026/91; W-7511)
212.210	n	(P-16564/91; A-7880)	307.1101	am	(P-17523/91; A-7377)
212.302	am	(P-16564/91; A-7880)	307.2400	am	(P-17523/91; A-7377)
212.309	am	(P-16564/91; A-7880)	307.2401	am	(P-17523/91; A-7377)
212.316	n	(P-16564/91; A-7880)	307.2402	am	(P-17523/91; A-7377)
212.324	n	(P-16564/91; A-7880)	307.2403	am	(P-17523/91; A-7377)
212.362	n	(P-16564/91; A-7880)	307.2404	am	(P-17523/91; A-7377)
212.424	am	(P-41; A-8204)	307.2405	am	(P-17523/91; A-7377)
212.425	n	(P-16564/91; A-7880)	307.2406	am	(P-17523/91; A-7377)
212.443	am	(P-41; A-8204)	307.2407	am	(P-17523/91; A-7377)
212.445	am	(P-41; A-8204)	307.2490	am	(P-17523/91; A-7377)
212.458	n	(P-16564/91; A-7880)	307.3100	am	(P-17523/91; A-7377)
212.464	n	(P-16564/91; A-7880)	307.3109	am	(P-17523/91; A-7377)
212.II.D	n	(P-16564/91; A-7880)	307.3115	am	(P-17523/91; A-7377)
212.II.E	n	(P-16564/91; A-7880)	307.3119	am	(P-17523/91; A-7377)
212.II.F	n	(P-16564/91; A-7880)	307.3120	am	(P-17523/91; A-7377)
215.100	am	(P-4682)	307.3124	am	(P-17523/91; A-7377)
215.109	am	(P-6635)	307.3129	am	(P-17523/91; A-7377)
215.123	am	(P-4170)	309.103	am	(P-17471/91; A-7339)
215.215	n	(P-11059/91; A-3132)	310.103	am	(P-17481/91; A-7346)
215.583	am	(P-4170)	310.105	am	(P-17481/91; A-7346)
216.382	n	(P-9297)	310.107	am	(P-17481/91; A-7346)
218.103	am	(P-4693)	310.110	am	(P-17481/91; A-7346)
218.104	am	(P-6643)	310.201	am	(P-17481/91; A-7346)
218.106	am	(P-4693)	310.202	am	(P-17481/91; A-7346)
218.583	am	(P-4184)	310.210	am	(P-17481/91; A-7346)
219.104	am	(P-4184)	310.220	am	(P-17481/91; A-7346)
219.583	am	(P-6676)	310.221	am	(P-17481/91; A-7346)
219.586	n	(P-4200)	310.222	am	(P-17481/91; A-7346)
240.102	am	(P-12109/91; A-6184)	310.230	am	(P-17481/91; A-7346)
240.107	n	(P-12109/91; A-6184)	310.232	am	(P-17481/91; A-7346)
240.122	am	(P-12109/91; A-6184)	310.233	am	(P-17481/91; A-7346)
240.140	n	(P-12109/91; A-6184)	310.330	am	(P-17481/91; A-7346)
240.141	n	(P-12109/91; A-6184)	310.510	am	(P-17481/91; A-7346)
243.108	am	(P-16; A-8185)	310.611	am	(P-17481/91; A-7346)
243.120	n	(P-16; A-8185)	310.613	am	(P-17481/91; A-7346)
243.121	r	(P-16; A-8185)	310.633	am	(P-17481/91; A-7346)
244.101	am	(P-22; A-8191)	310.635	am	(P-17481/91; A-7346)
244.106	am	(P-22; A-8191)	360.601	am	(P-15202/91; A-5891)
244.107	am	(P-22; A-8191)	360.602	am	(P-15202/91; A-5891)
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611.851	am	(P-3745)	611.851	am	(P-5582)
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615.101	n	(P-3745)	615.101	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.102	n	(P-3745)	615.102	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.103	n	(P-3745)	615.103	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.104	n	(P-3745)	615.104	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.105	n	(P-3745)	615.105	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.201	n	(P-3745)	615.201	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.202	n	(P-3745)	615.202	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.203	n	(P-3745)	615.203	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.204	n	(P-3745)	615.204	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.205	n	(P-3745)	615.205	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.206	n	(P-3745)	615.206	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.207	n	(P-3745)	615.207	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.208	n	(P-3745)	615.208	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.209	n	(P-3745)	615.209	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.210	n	(P-3745)	615.210	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.211	n	(P-3745)	615.211	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.301	n	(P-3745)	615.301	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.302	n	(P-3745)	615.302	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.303	n	(P-3745)	615.303	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.304	n	(P-3745)	615.304	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.305	n	(P-3745)	615.305	am	(P-10303/91; O-17791/91; R-1702; A-1538)
615.306	n	(P-3745)	615.306	am	(P-10303/91; O-17791/91; R-1702; A-1538)



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615.402	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.621
615.403	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.622
615.404	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.623
615.421	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.701
615.422	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.702
615.423	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.703
615.424	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.704
615.425	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.705
615.441	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.721
615.442	n	(P-10303/91; O-17791/91; R-1702; A-1538)	615.722
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728.Tb.B	am	(P-916; A-9619)	731.206	r	(P-2330; A-7407)	
728.Tb.C	am	(P-916; A-9619)	731.207	r	(P-2330; A-7407)	
728.Tb.D	am	(P-916; A-9619)	731.208	r	(P-2330; A-7407)	
728.Tb.D	am	(P-916; A-9619)	731.209	r	(P-2330; A-7407)	
728.Tb.E	am	(P-916; A-9619)	731.210	r	(P-2330; A-7407)	
728.Tb.H	n	(P-916; A-9619)	731.211	r	(P-2330; A-7407)	
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731.112	am	(P-2330; A-7407)	809.901	r	(P-13017/91; A-130)	
731.113	am	(P-2330; A-7407)	809.902	r	(P-13017/91; A-130)	
731.114	r	(P-2330; A-7407)	809.903	r	(P-13017/91; A-130)	
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731.131	r	(P-2330; A-7407)	848.205	am	(P-13004/91; A-3114)	
731.132	r	(P-2330; A-7407)	848.206	am	(P-13004/91; A-3114)	
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731.134	r	(P-2330; A-7407)	848.207	n	(P-13004/91; A-3114)	
731.140	r	(P-2330; A-7407)	848.208	n	(P-13004/91; A-3114)	
731.141	r	(P-2330; A-7407)	849.101	r	(P-13265/91; A-2880)	
731.142	r	(P-2330; A-7407)	849.102	r	(P-13265/91; A-2880)	
731.143	r	(P-2330; A-7407)	849.103	r	(P-13265/91; A-2880)	
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731.161	am	(P-2330; A-7407)	859.103	n	(P-8348/91; A-6995)	
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731.190	r	(P-2330; A-7407)	859.302	n	(P-8348/91; A-6995)	
731.191	r	(P-2330; A-7407)	859.303	n	(P-8348/91; A-6995)	
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731.194	r	(P-2330; A-7407)	880.102	n	(P-6127)	
731.195	r	(P-2330; A-7407)	880.103	n	(P-6127)	
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731.198	r	(P-2330; A-7407)	880.106	n	(P-6127)	
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731.202	r	(P-2330; A-7407)	880.202	n	(P-6127)	
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200.160	n	(P-7250)
200.165	n	(P-7250)
200.200	n	(P-7250)
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200.406	n	(P-7250)
200.408	n	(P-7250)
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200.412	n	(P-7250)
200.414	n	(P-7250)
200.416	n	(P-7250)
200.418	n	(P-7250)
200.420	n	(P-7250)
200.422	n	(P-7250)
200.424	n	(P-7250)
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200.430	n	(P-7250)
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120.1010	n	(P-15823/91; A-6808)
120.1020	n	(P-15823/91; A-6808)
120.1030	n	(P-15823/91; A-6808)
120.1040	n	(P-15823/91; A-6808)
120.1041	n	(P-15823/91; A-6808)
120.1100	am	(P-15823/91; A-6808)
120.1200	am	(P-15823/91; A-6808)
120.1280	am	(P-15823/91; A-6808)
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170.810	n	(P-10875/91; A-4845)
170.820	n	(P-10875/91; A-4845)
170.830	n	(P-10875/91; A-4845)
170.840	n	(P-10875/91; A-4845)
170.850	n	(P-10875/91; A-4845)
170.860	n	(P-10875/91; A-4845)
170.870	n	(P-10875/91; A-4845)
170.880	n	(P-10875/91; A-4845)
170.890	n	(P-10875/91; A-4845)
170.900	n	(P-10875/91; A-4845)
170.910	n	(P-10875/91; A-4845)
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215.2	n	(P-1954)
215.20	n	(P-1954)
215.30	n	(P-1954)
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270.20	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.30	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.40	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.50	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.60	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.70	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
270.80	n	(P-14845/91; A-6842)			(P-14337/91; A-3940)
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950.120	r	(P-3695)			(P-13993/91; A-3078)
950.130	r	(P-3695)			(P-13993/91; A-3078)
950.140	r	(P-3695)			(P-13993/91; A-3078)
950.150	r	(P-3695)			(P-13993/91; A-3078)
950.160	r	(P-3695)			(P-13993/91; A-3078)
950.170	r	(P-3695)			(P-13993/91; A-3078)
950.180	r	(P-3695)			(P-13993/91; A-3078)
950.210	r	(P-3695)			(P-13993/91; A-3078)
950.220	r	(P-3695)			(P-13993/91; A-3078)
950.230	r	(P-3695)			(P-13993/91; A-3078)
950.240	r	(P-3695)			(P-13993/91; A-3078)
950.250	r	(P-3695)			(P-13993/91; A-3078)
950.260	r	(P-3695)			(P-13993/91; A-3078)
950.270	r	(P-3695)			(P-13993/91; A-3078)
950.280	r	(P-3695)			(P-13993/91; A-3078)
950.290	r	(P-3695)			(P-13993/91; A-3078)
950.300	r	(P-3695)			(P-13993/91; A-3078)
5030.130	am	(P-18013/91; A-4826)			(P-13241/91; A-2120)
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100.10	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.20	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.30	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.40	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.50	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.85	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.103	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.105	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.106	r	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.110	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.111	r	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.113	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.115	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.120	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
100.Ap.A	am	(P-14337/91; A-3940)			(P-13241/91; A-2120)
.II.A	n	(P-14337/91; A-3940)			(P-13241/91; A-2120)
.II.B	n	(P-14337/91; A-3940)			(P-13241/91; A-2120)
.II.C	n	(P-14337/91; A-3940)			(P-13241/91; A-2120)



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310.302	am			
310.303	am			
310.304	am	2008.40	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.305	am			
310.306	am	2008.50	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.307	am			
310.309	am	2008.60	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.401	am	2008.61	r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.402	am			
310.403	am	2008.70	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.404	am			
310.405	am			
310.602	am			
310.603	am	2008.71	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.604	am			
310.701	am	2008.71	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.702	am			
310.703	am	2008.71	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.801	am	2008.72	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.802	am			
310.803	am	2008.72	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.804	am	2008.73	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.805	am			
310.806	am	2008.73	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.901	am	2008.74	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.902	am			
310.913	am	2008.75	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
350.213	n			(P-5185) (E-5369; M-9137)
TITLE 50				
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932.40	am	2008.81	r	(P-7279)
932.60	am			(P-7279)
1408.10	n	2008.81	n	(P-8735)
1408.20	n			(P-8735)
1408.30	n	2008.81	am	(P-8725)
1408.40	n	2008.82	am	(P-8725)
1408.50	n			(P-8725)
1408.60	n	2008.90	am	(P-8725)
1408.70	n			(P-8725)
1408.80	n			(P-8725)
1408.90	n	2008.100	am	(P-8725)
.II. A				
2008.10	am	2008.101	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.20	am	2008.102	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)

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2008.104	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.N	n	W-2956; A-2766; C-3590 (P-14859/91; PF-1743;
2008.110	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.O	#	W-2956; A-2766; C-3590 (P-14859/91; PF-1743;
2008.Ap.A	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.O	am	W-2956; A-2766; C-3590 (P-14859/91; PF-1743;
2008.Ap.B	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2008.Ap.P	n	W-2956; A-2766; C-3590 (P-14859/91; PF-1743;
2008.Ap.C	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.10	n	W-2956; A-2766; C-3590 (P-6925)
2008.Ap.C	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.20	n	W-2956; A-2766; C-3590 (P-6925)
2008.Ap.C	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.30	n	W-2956; A-2766; C-3590 (P-6925)
2008.Ap.D	r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.40	n	W-2956; A-2766; C-3590 (P-6925)
2008.Ap.D	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2015.60	n	W-2956; A-2766; C-3590 (P-6925)
2008.Ap.D	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2600.50	am	W-2956; A-2766; C-3590 (P-7120)
2008.Ap.D	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2720.2	n	W-2956; A-2766; C-3590 (E-7506)
2008.Ap.E	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	2725.2	n	W-2956; A-2766; C-3590 (E-7502)
2008.Ap.E	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.10	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.E	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.20	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.F	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.30	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.F	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.40	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.G	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.50	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.G	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.60	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.H	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3201.70	r	W-2956; A-2766; C-3590 (P-9274)
2008.Ap.H	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3202.10	r	W-2956; A-2766; C-3590 (P-9288)
2008.Ap.I	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3202.20	r	W-2956; A-2766; C-3590 (P-9288)
2008.Ap.I	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3202.30	r	W-2956; A-2766; C-3590 (P-9284)
2008.Ap.J	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3203.10	r	W-2956; A-2766; C-3590 (P-9284)
2008.Ap.J	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3203.20	r	W-2956; A-2766; C-3590 (P-9291)
2008.Ap.K	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3205.10	r	W-2956; A-2766; C-3590 (P-9291)
2008.Ap.K	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3205.20	r	W-2956; A-2766; C-3590 (P-9291)
2008.Ap.L	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3205.30	r	W-2956; A-2766; C-3590 (P-9291)
2008.Ap.L	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3313.40	am	W-2956; A-2766; C-3590 (P-15244/91; A-5329)
2008.Ap.M	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	3119.40	am	W-2956; A-2766; C-3590 (P-11055/91; A-126)
2008.Ap.M	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	6701.Ex.A	am	W-2956; A-2766; C-3590 (P-17013/91; A-5326)
2008.Ap.N	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	<b>TITLE 56</b>		
2008.Ap.N	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	120.100	n	W-2956; A-2766; C-3590 (P-1997)
2008.Ap.O	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	120.110	n	W-29



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TITLE 56 (CONT'D)	360.160	n	(P-8838)	2732.203	n	(P-3248; A-8173)
	360.170	n	(P-8838)	2732.220	n	(P-3248; A-8173)
	360.180	n	(P-8838)	2732.305	n	(P-785)
	1700.10	n	(P-1469)	2760.110	am	(P-14023/91; A-3993)
	1700.20	n	(P-1469)	2760.120	am	(P-14023/91; A-3993)
	1700.30	n	(P-1469)	2760.125	am	(P-14023/91; A-3993)
	1700.40	n	(P-1469)	2760.130	am	(P-14023/91; A-3993)
	1700.50	n	(P-1469)	2760.145	am	(P-14023/91; A-3993)
	1700.60	n	(P-1469)	2760.150	am	(P-14023/91; A-3993)
	2610.130	am	(P-6905)	2765.45	am	(P-14032/91; A-2131)
	2620.10	r	(P-12964/91; A-6175)	2765.55	am	(P-14032/91; A-2131)
	2620.20	r	(P-12964/91; A-6175)	2765.68	am	(P-14032/91; A-2131)
	2620.30	r	(P-12964/91; A-6175)	2770.110	am	(P-13257/91; A-118)
	2620.40	r	(P-12964/91; A-6175)	5300.10	am	(P-10521/91; A-7838)
	2620.50	r	(P-12964/91; A-6175)	5300.20	am	(P-10521/91; A-7838)
	2620.60	r	(P-12964/91; A-6175)	5300.30	am	(P-10521/91; A-7838)
	2620.70	r	(P-12964/91; A-6175)	5300.40	am	(P-10521/91; A-7838)
	2620.80	r	(P-12964/91; A-6175)	5300.210	am	(P-10521/91; A-7838)
	2620.90	r	(P-12964/91; A-6175)	5300.310	am	(P-10521/91; A-7838)
	2620.100	r	(P-12964/91; A-6175)	5300.450	am	(P-10521/91; A-7838)
	2625.55	am	(P-5124)	5300.460	am	(P-10521/91; A-7838)
	2630.82	am	(P-8081/91; A-1524)	5300.550	r	(P-10521/91; A-7838)
	2630.83	am	(P-1154591; A-6796)	5300.560	am	(P-10521/91; A-7838)
	2650.10	am	(P-9202)	5300.570	r	(P-10521/91; A-7838)
	2650.20	am	(P-9202)	5300.610	am	(P-10521/91; A-7838)
	2650.30	am	(P-9202)	5300.620	am	(P-10521/91; A-7838)
	2650.40	am	(P-9202)	5300.630	am	(P-10521/91; A-7838)
	2650.310	n	(P-9202)	5300.640	am	(P-10521/91; A-7838)
	2650.320	n	(P-9202)	5300.650	am	(P-10521/91; A-7838)
	2650.330	n	(P-9202)	5300.660	am	(P-10521/91; A-7838)
	2650.340	n	(P-9202)	5300.720	am	(P-10521/91; A-7838)
	2650.350	n	(P-9202)	5300.730	am	(P-10521/91; A-7838)
	2720.1	n	(P-14343/91; A-2556)	5300.735	n	(P-10521/91; A-7838)
	2720.2	n	(E-7506)	5300.745	n	(P-10521/91; A-7838)
	2720.5	am	(P-14343/91; A-2556)	5300.750	am	(P-10521/91; A-7838)
	2720.7	n	(P-14343/91; A-2556)	5300.760	am	(P-10521/91; A-7838)
	2720.10	am	(P-14343/91; A-2556)	5300.765	n	(P-10521/91; A-7838)
	2720.108	n	(P-14343/91; A-2556)	5300.770	r	(P-10521/91; A-7838)
	2720.130	am	(P-14343/91; A-2556)	5300.782	r	(P-10521/91; A-7838)
	2720.215	n	(P-14343/91; A-2556)	5300.784	r	(P-10521/91; A-7838)
	2720.240	am	(P-14343/91; A-2556)	5300.785	r	(P-10521/91; A-7838)
	2720.315	am	(P-14343/91; A-2556)	5300.786	r	(P-10521/91; A-7838)
	2725.2	n	(E-7502)	5300.787	r	(P-10521/91; A-7838)
	2725.100	am	(P-3734)	5300.825	am	(P-10521/91; A-7838)
	2725.105	am	(P-14014/91; A-2122)	5300.865	am	(P-10521/91; A-7838)
	2725.115	am	(P-14014/91; A-2122)	5300.920	am	(P-10521/91; A-7838)
	2725.225	am	(P-3734)	5300.930	am	(P-10521/91; A-7838)
	2725.237	n	(P-13252/91; A-113)	5300.940	am	(P-10521/91; A-7838)
	2725.245	am	(P-3734)	5300.950	am	(P-10521/91; A-7838)

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TITLE 56 (CONT'D)			
250.110	r	(P-15862/91; A-5335)	300.750
250.115	r	(P-15862/91; A-5335)	300.760
250.120	r	(P-15862/91; A-5335)	300.770
250.125	r	(P-15862/91; A-5335)	300.780
250.130	r	(P-15862/91; A-5335)	300.790
250.135	r	(P-15862/91; A-5335)	300.800
250.140	r	(P-15862/91; A-5335)	300.810
250.145	r	(P-15862/91; A-5335)	300.820
250.150	r	(P-15862/91; A-5335)	300.830
250.200	am	(P-15862/91; A-5335)	300.840
250.300	am	(P-15862/91; A-5335)	300.850
250.600	am	(P-15862/91; A-5335)	300.860
250.700	am	(P-15862/91; A-5335)	300.870
250.705	n	(P-15862/91; A-5335)	300.880
250.710	n	(P-15862/91; A-5335)	300.890
250.715	n	(P-15862/91; A-5335)	300.900
250.805	am	(P-15862/91; A-5335)	300.910
250.820	am	(P-15862/91; A-5335)	300.920
250.825	am	(P-15862/91; A-5335)	300.930
250.855	n	(P-15862/91; A-5335)	300.940
250.860	n	(P-15862/91; A-5335)	300.950
300.100	r	(P-4626; C-6897)	300.960
300.110	r	(P-4626; C-6897)	300.970
300.120	r	(P-4626; C-6897)	300.980
300.200	r	(P-4626; C-6897)	300.990
300.210	r	(P-4626; C-6897)	300.1000
300.220	r	(P-4626; C-6897)	300.1010
300.230	r	(P-4626; C-6897)	300.1020
300.300	r	(P-4626; C-6897)	350.10
300.310	r	(P-4626; C-6897)	350.280
300.400	r	(P-4626; C-6897)	350.290
300.410	r	(P-4626; C-6897)	350.300
300.420	r	(P-4626; C-6897)	350.310
300.430	r	(P-4626; C-6897)	350.400
300.440	n	(P-4626; C-6897)	350.410
300.450	n	(P-4626; C-6897)	350.420
300.460	n	(P-4626; C-6897)	350.430
300.500	n	(P-4626; C-6897)	350.440
300.510	n	(P-4626; C-6897)	350.450
300.520	n	(P-4626; C-6897)	350.460
300.600	n	(P-4626; C-6897)	350. Ap. A
300.610	n	(P-4626; C-6897)	350. Ap. B
300.620	n	(P-4626; C-6897)	350. Ap. C
300.630	n	(P-4626; C-6897)	350. Ap. D
300.640	n	(P-4626; C-6897)	350. Ap. E
300.700	n	(P-4626; C-6897)	360.100
300.710	n	(P-4626; C-6897)	360.110
300.720	n	(P-4626; C-6897)	360.120
300.730	n	(P-4626; C-6897)	360.130
300.740	n	(P-4626; C-6897)	360.140
			360.150



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5300.960	am	(P-10521/91; A-7838)	130. Tb. A	r	(P-8842)
5300.1145	n	(P-10521/91; A-7838)	130. Tb. B	r	(P-8842)
5300.1150	am	(P-10521/91; A-7838)	132.10	n	(P-7; A-9006) (E-211)
5300.1160	am	(P-10521/91; A-7838)	132.15	n	(P-7; A-9006) (E-211)
5400.110	am	(P-10521/91; A-8529)	132.20	n	(P-7; A-9006) (E-211)
5400.210	am	(E-1693)	132.25	n	(P-7; A-9006) (E-211)
5400.310	am	(P-1490; A-8529)	132.30	n	(P-7; A-9006) (E-211)
6000.50	am	(E-1693)	132.35	n	(P-7; A-9006) (E-211)
6000.340	n	(P-1490; A-8529)	132.40	n	(P-7; A-9006) (E-211)
		(E-1693)	132.45	n	(P-7; A-9006) (E-211)
		(P-5399)	132.50	n	(P-7; A-9006) (E-211)
		(P-7543) (E-7716)	132.55	n	(P-7; A-9006) (E-211)
			132.60	n	(P-7; A-9006) (E-211)
			132.65	n	(P-7; A-9006) (E-211)
			132.70	n	(P-7; A-9006) (E-211)
			132.75	n	(P-7; A-9006) (E-211)
			132.80	n	(P-7; A-9006) (E-211)
			132.85	n	(P-7; A-9006) (E-211)
			132.90	n	(P-7; A-9006) (E-211)
			132.95	n	(P-7; A-9006) (E-211)
			133.00	n	(P-7; A-9006) (E-211)
			133.05	n	(P-7; A-9006) (E-211)
			133.10	n	(P-7; A-9006) (E-211)
			133.15	n	(P-7; A-9006) (E-211)
			133.20	n	(P-7; A-9006) (E-211)
			133.25	n	(P-7; A-9006) (E-211)
			133.30	n	(P-7; A-9006) (E-211)
			133.35	n	(P-7; A-9006) (E-211)
			133.40	n	(P-7; A-9006) (E-211)
			133.45	n	(P-7; A-9006) (E-211)
			133.50	n	(P-7; A-9006) (E-211)
			133.55	n	(P-7; A-9006) (E-211)
			133.60	n	(P-7; A-9006) (E-211)
			133.65	n	(P-7; A-9006) (E-211)
			133.70	n	(P-7; A-9006) (E-211)
			133.75	n	(P-7; A-9006) (E-211)
			133.80	n	(P-7; A-9006) (E-211)
			133.85	n	(P-7; A-9006) (E-211)
			133.90	n	(P-7; A-9006) (E-211)
			133.95	n	(P-7; A-9006) (E-211)
			134.00	n	(P-7; A-9006) (E-211)
			134.05	n	(P-7; A-9006) (E-211)
			134.10	n	(P-7; A-9006) (E-211)
			134.15	n	(P-7; A-9006) (E-211)
			134.20	n	(P-7; A-9006) (E-211)
			134.25	n	(P-7; A-9006) (E-211)
			134.30	n	(P-7; A-9006) (E-211)
			134.35	n	(P-7; A-9006) (E-211)
			134.40	n	(P-7; A-9006) (E-211)
			134.45	n	(P-7; A-9006) (E-211)
			134.50	n	(P-7; A-9006) (E-211)
			134.55	n	(P-7; A-9006) (E-211)
			134.60	n	(P-7; A-9006) (E-211)
			134.65	n	(P-7; A-9006) (E-211)
			134.70	n	(P-7; A-9006) (E-211)
			134.75	n	(P-7; A-9006) (E-211)
			134.80	n	(P-7; A-9006) (E-211)
			134.85	n	(P-7; A-9006) (E-211)
			134.90	n	(P-7; A-9006) (E-211)
			134.95	n	(P-7; A-9006) (E-211)
			135.00	n	(P-7; A-9006) (E-211)
			135.05	n	(P-7; A-9006) (E-211)
			135.10	n	(P-7; A-9006) (E-211)
			135.15	n	(P-7; A-9006) (E-211)
			135.20	n	(P-7; A-9006) (E-211)
			135.25	n	(P-7; A-9006) (E-211)
			135.30	n	(P-7; A-9006) (E-211)

## TITLE 62

200.12	am	(P-3267)
200.201	am	(P-3267)
200.402	am	(P-3267)
200.500	am	(P-3267)
200.600	am	(P-3267)
200.603	am	(P-3267)
200.604	am	(P-3267)
200.806	am	(P-3267)

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200. Ap. B	n	(P-3267)	240.1450	r	(P-14365/91; P-14679/91; A-2576)
220.190	am	(P-3316)	240.1450	am	(P-14365/91; P-14679/91; A-2576)
240.10	am	(P-3282)	240.1460	r	(P-14365/91; P-14679/91; A-2576)
240.500	n	(P-3282)	240.1460	am	(P-14365/91; P-14679/91; A-2576)
240.510	r	(P-3282)	240.1470	r	(P-14365/91; P-14679/91; A-2576)
240.510	n	(P-3282)	240.1500	r	(P-14365/91; P-14679/91; A-2576)
240.520	r	(P-3282)	240.1500	n	(P-14365/91; P-14679/91; A-2576)
240.520	n	(P-3282)	240.1510	n	(P-14365/91; P-14679/91; A-2576)
240.530	r	(P-3282)	240.1520	n	(P-14365/91; P-14679/91; A-2576)
240.530	n	(P-3282)	240.1530	n	(P-14365/91; P-14679/91; A-2576)
240.540	n	(P-3282)	2501.37	n	(P-2719; A-8345)
240.550	n	(P-3282)			(E-2897)
240.610	am	(P-3282)			
240.630	am	(P-3282)			
240.640	am	(P-3282)			
240.710	am	(P-3282)			
240.760	am	(P-3282)			
240.780	am	(P-3282)			
240.995	r	(P-14365/91; P-14679/91; A-2576)			
240.1110	am	(P-3282)			
240.1130	am	(P-3282)			
240.1150	am	(P-3282)			
240.1160	r	(P-3282)			
240.1170	am	(P-3282)			
240.1180	r	(P-3282)			
240.1400	r	(P-14365/91; P-14679/91; A-2576)			
240.1400	n	(P-14365/91; P-14679/91; A-2576)			
240.1405	r	(P-14365/91; P-14679/91; A-2576)			
240.1410	r	(P-14365/91; P-14679/91; A-2576)			
240.1410	n	(P-14365/91; P-14679/91; A-2576)			
240.1420	r	(P-14365/91; P-14679/91; A-2576)			
240.1420	n	(P-14365/91; P-14679/91; A-2576)			
240.1430	r	(P-14365/91; P-14679/91; A-2576)			
240.1430	am	(P-3282)			
240.1440	r	(P-14365/91; P-14679/91; A-2576)			
240.1440	n	(P-14365/91; P-14679/91; A-2576)			

## TITLE 68

580.10	n	(P-8671)
580.20	n	(P-8671)
580.30	n	(P-8671)
580.40	n	(P-8671)
580.50	n	(P-8671)
870.100	n	(P-12094/91; A-3096)
870.105	n	(P-12094/91; A-3096)
870.110	n	(P-12094/91; A-3096)
870.115	n	(P-12094/91; A-3096)
870.120	n	(P-12094/91; A-3096)
870.210	n	(P-12094/91; A-3096)
870.215	n	(P-12094/91; A-3096)
870.220	n	(P-12094/91; A-3096)
870.230	n	(P-12094/91; A-3096)
870.235	n	(P-12094/91; A-3096)
870.240	n	(P-12094/91; A-3096)
870.245	n	(P-12094/91; A-3096)
870.300	n	(P-12094/91; A-3096)
870.305	n	(P-12094/91; A-3096)
870.310	n	(P-12094/91; A-3096)
870.315	n	(P-12094/91; A-3096)
870.320	n	(P-12094/91; A-3096)
870.325	n	(P-12094/91; A-3096)
870.400	n	(P-12094/91; A-3096)



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870.405	n	(P-12094/91; A-3096)	1330.10	am	(P-5746)
870.500	n	(P-12094/91; A-3096)	1330.20	am	(P-5746)
870.505	n	(P-12094/91; A-3096)	1330.30	am	(P-5746)
870.510	n	(P-12094/91; A-3096)	1330.40	am	(P-5746)
870.515	n	(P-12094/91; A-3096)	1330.50	am	(P-5746)
870.520	n	(P-12094/91; A-3096)	1330.55	am	(P-5746)
870.525	n	(P-12094/91; A-3096)	1330.70	am	(P-5746)
1130.10	n	(P-2010)	1330.75	n	(P-5746)
1130.20	n	(P-2010)	1330.80	am	(P-5746)
1130.30	n	(P-2010)	1330.90	am	(P-5746)
1130.40	n	(P-2010)	1330.91	am	(P-5746)
1130.50	n	(P-2010)	1330.92	am	(P-5746)
1130.60	n	(P-2010)	1330.93	am	(P-5746)
1130.70	n	(P-2010)	1330.94	am	(P-5746)
1130.80	n	(P-2010)	1330.95	am	(P-5746)
1130.90	am	(P-2492/91; A-3143)	1330.96	am	(P-5746)
1150.20	am	(P-2492/91; A-3143)	1330.99	am	(P-5746)
1150.30	am	(P-2492/91; A-3143)	1330.100	am	(P-5746)
1150.40	am	(P-2492/91; A-3143)	1330.110	am	(P-5746)
1150.50	am	(P-2492/91; A-3143)	1330.120	am	(P-5746)
1150.60	am	(P-2492/91; A-3143)	1330.130	am	(P-5746)
1150.65	am	(P-2492/91; A-3143)	1330.140	am	(P-5746)
1150.70	am	(P-2492/91; A-3143)	1330.15	n	(P-11369/91; A-3175)
1150.80	am	(P-2492/91; A-3143)	1340.20	am	(P-11369/91; A-3175)
1150.90	am	(P-2492/91; A-3143)	1340.30	am	(P-11369/91; A-3175)
1150.100	am	(P-2492/91; A-3143)	1340.40	am	(P-11369/91; A-3175)
1150.110	am	(P-2492/91; A-3143)	1340.50	am	(P-11369/91; A-3175)
1150.11.A	am	(P-2492/91; A-3143)	1340.55	am	(P-11369/91; A-3175)
1150.80	am	(P-2492/91; A-3143)	1340.60	am	(P-11369/91; A-3175)
1175.565	am	(P-8033)	1340.65	am	(P-11369/91; A-3175)
1200.30	am	(P-14369/91; A-3169)	1340.70	am	(P-11369/91; A-3175)
1255.10	n	(P-17030/91; A-3194)	1340.80	am	(P-8318)
1255.20	n	(P-17030/91; A-3194)	1340.90	am	(P-8318)
1255.30	n	(P-17030/91; A-3194)	1340.95	am	(P-8318)
1255.40	n	(P-17030/91; A-3194)	1360.45	am	(P-8318)
1255.50	n	(P-17030/91; A-3194)	1360.60	am	(P-8318)
1255.60	n	(P-17030/91; A-3194)	1360.70	am	(P-8318)
1255.70	n	(P-17030/91; A-3194)	1380.280	am	(P-9385)
1255.80	n	(P-17030/91; A-3194)	1380.300	am	(P-9385)
1255.90	n	(P-17030/91; A-3194)	1450.175	n	(P-14375/91; A-3204)
1275.40	am	(P-5741)	1470.95	n	(P-18348/91; A-7009)
1275.50	am	(P-5741)	TITLE 71		
1275.80	n	(P-5741)	110.10	n	(P-3689)
1310.20	am	(P-3784)	110.20	n	(P-3689)
1310.30	am	(P-3784)	110.30	n	(P-3689)
1310.40	am	(P-3784)	110.40	n	(P-3689)
1310.60	am	(P-3784)	110.50	n	(P-3689)
1310.70	am	(P-3784)	110.60	n	(P-3689)
1310.75	am	(P-3784)	110.70	n	(P-3689)
1310.80	am	(P-3784)	2000.45	am	(P-1511; A-10068)
1310.85	am	(P-3784)	2000.100	am	(P-1511; A-10068)
1310.90	am	(P-3784)			

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2000.210	am	(P-1511; A-10068)	395.100	am	(P-8066)
2000.245	am	(P-1511; A-10068)	395.110	am	(P-8066)
2000.250	am	(P-1511; A-10068)	395.120	am	(P-8066)
2000.320	am	(P-1511; A-10068)	395.130	am	(P-8066)
2000.340	am	(P-1511; A-10068)	395.140	am	(P-8066)
2000.410	am	(P-1511; A-10068)	395.150	am	(P-8066)
2000.430	am	(P-1511; A-10068)	395.160	am	(P-8066)
2000.500	am	(P-1511; A-10068)	395.170	am	(P-8066)
2000.520	am	(P-1511; A-10068)	395.180	am	(P-8066)
2000.540	am	(P-1511; A-10068)	395.190	am	(P-8066)
2300.10	n	(P-2310; A-8178)	395.200	r	(P-8066)
2300.30	n	(P-2310; A-8178)	395.300	am	(P-8066)
2300.50	n	(P-2310; A-8178)	395.400	am	(P-8066)
2300.70	n	(P-2310; A-8178)	630.20	am	(P-8103)
2300.80	n	(A-8178)	630.90	am	(P-8103)
2300.90	n	(A-8178)	630.200	am	(P-8103)
TITLE 74			672.100	am	(P-9424)
750.40	am	(P-15035/91; A-203)	672.105	am	(P-9424)
750.Ap.B	am	(P-15035/91; A-203)	672.200	am	(P-9424)
750.Ap.C	n	(P-15035/91; A-203)	672.205	am	(P-9424)
TITLE 77			672.210	am	(P-9424)
205.620	am	(P-3426)	672.215	am	(P-9424)
250.2720	n	(P-2016)	672.225	am	(P-9424)
300.110	am	(P-2034)	672.300	am	(P-9424)
300.120	am	(P-4367/91; A-681)	672.405	am	(P-9424)
300.140	am	(P-2034)	672.420	am	(P-9424)
300.150	am	(P-2034)	672.450	am	(P-9424)
300.330	am	(P-4367/91; A-681)	672.505	am	(P-9424)
300.620	am	(P-2034)	672.510	am	(P-9424)
300.630	am	(P-2034)	672.515	am	(P-9424)
300.1010	am	(P-2034)	672.615	am	(P-9424)
300.1220	am	(P-2034)	672.625	am	(P-9424)
300.1240	am	(P-2034)	672.Ap.A	am	(P-9424)
300.2070	am	(P-2034)	692.10	n	(P-14389/91; A-4052)
300.2420	am	(P-14039/91; A-5977)	692.Ap.A	n	(P-14389/91; A-4052)
300.3060	am	(P-2034)	692.Ap.B	n	(P-14389/91; A-4052)
300.3100	am	(P-2034)	693.10	am	(P-16874/91; RC-4556; A-5921)
300.3310	am	(P-2034)	693.15	am	(P-16874/91; A-5921)
300.3710	am	(P-2034)	693.30	am	(P-16874/91; RC-4556; A-5921)
300.3710	am	(P-2034)	693.40	am	(P-16874/91; RC-4556; A-5921)
300.Ap.B	r	(P-2034)	693.45	n	(P-16874/91; A-5921)
330.120	am	(P-4338/91; A-651)	693.100	am	(P-16874/91; A-5921)
330.330	am	(P-4338/91; A-651)	694.220	am	(P-6972/91; A-5916)
350.120	am	(P-4280/91; A-594)	750.5	am	(P-5836)
350.330	am	(P-4280/91; A-594)	750.10	am	(P-5836)
350.3730	am	(P-4791)	750.100	am	(P-5836)
390.120	am	(P-4309/91; A-623)	750.110	am	(P-5836)
390.330	am	(P-4309/91; A-623)			



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750.1000	am	(P-5836)	790.620	am	(E-4899) (P-8329)
750.2000	n	(P-5836)	790.660	am	(P-4782) (E-4899)
750.2010	n	(P-5836)	790.700	am	(P-4782) (E-4899)
750.2020	n	(P-5836)	790.760	am	(P-4782) (E-4899)
750.2030	n	(P-5836)	790.706	am	(P-4782) (E-4899)
750.2031	n	(P-5836)	790.721	am	(P-4782) (E-4899)
750.2032	n	(P-5836)	790.740	am	(P-4782) (E-4899)
750.2040	n	(P-5836)			(P-8329) (E-8571)
750.2041	n	(P-5836)	790.760	am	(P-4782) (E-4899)
750.2042	n	(P-5836)	790.780	am	(P-4782) (E-4899)
750.2050	n	(P-5836)	790.788	am	(P-4782) (E-4899)
750.2060	n	(P-5836)			(P-8329) (E-8571)
750.2070	n	(P-5836)	790.799	am	(P-15943/91; A-5941;
750.2080	n	(P-5836)			C-7512) (P-4782)
750.3000	n	(P-5836)			(E-4899) (P-8329)
750.3100	n	(P-5836)			(E-8571)
750.3200	n	(P-5836)	790.820	am	(P-4782) (E-4899)
760.15	am	(P-5861)	790.830	am	(P-4782) (E-4899)
760.20	am	(P-5861)	790.860	am	(P-4782) (E-4899)
760.100	am	(P-5861)	790.900	am	(P-4782) (E-4899)
760.110	am	(P-5861)	790.910	am	(P-4782) (E-4899)
760.900	am	(P-5861)	790.920	am	(P-15943/91; A-5941;
760.2000	n	(P-5861)			C-7512)
760.2010	n	(P-5861)	790.980	am	(P-4782) (E-4899)
760.2020	n	(P-5861)	790.1060	am	(P-4782) (E-4899)
760.2030	n	(P-5861)	790.1112	am	(P-4782) (E-4899)
760.2031	n	(P-5861)	790.1120	am	(P-4782) (E-4899)
760.2032	n	(P-5861)	790.1140	am	(P-4782) (E-4899)
760.2040	n	(P-5861)	790.1300	am	(P-4782) (E-4899)
760.2041	n	(P-5861)	790.1345	am	(P-4782) (E-4899)
760.2042	n	(P-5861)	790.1350	am	(P-15943/91; A-5941;
760.2050	n	(P-5861)			C-7512) (P-4782)
760.2060	n	(P-5861)			(E-4899)
760.2070	n	(P-5861)	790.1388	n	(P-4782) (E-4899)
760.2080	n	(P-5861)			(P-15943/91; A-5941;
760.3000	n	(P-5861)			C-7512) (P-8329)
760.3100	n	(P-5861)			(E-8571)
760.3200	n	(P-5861)	790.1420	am	(P-4782) (E-4899)
770.10	r	(P-5885)	790.1460	am	(P-4782) (E-4899)
770.20	r	(P-5885)	790.1490	am	(P-4782) (E-4899)
770.30	r	(P-5885)	790.1500	am	(P-4782) (E-4899)
790.40	am	(P-15943/91; A-5941;	790.1540	am	(P-4782) (E-4899)
		C-7512)	790.1560	am	(P-4782) (E-4899)
790.480	am	(P-4782) (E-4899)	790.1570	am	(P-4782) (E-4899)
790.500	am	(P-4782) (E-4899)			(P-8329) (E-8571)
790.540	am	(P-4782) (E-4899)	790.1650	am	(P-4782) (E-4899)
790.548	am	(P-4782) (E-4899)	790.1685	am	(P-4782) (E-4899)
790.580	am	(P-4782) (E-4899)	790.1700	am	(P-4782) (E-4899)
790.600	am	(P-15943/91; A-5941;	790.1710	am	(P-4782) (E-4899)
		C-7512) (P-4782)			

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790.1740	am	(P-4782) (E-4899)	790.3049	am	(P-4782) (E-4899)
790.1820	am	(P-4782) (E-4899)	790.3054	am	(P-4782) (E-4899)
790.1830	n	(P-4782) (E-4899)	790.3085	am	(P-4782) (E-4899)
790.1835	n	(P-8329) (E-8571)	790.3100	am	(P-4782) (E-4899)
790.1860	am	(P-4782) (E-4899)	790.3260	am	(P-4782) (E-4899)
790.1950	am	(P-15943/91; A-5941;	790.3300	am	(P-4782) (E-4899)
		C-7512) (P-4782)	790.3308	am	(P-4782) (E-4899)
		(E-4899)	790.3315	am	(P-4782) (E-4899)
790.1980	am	(P-4782) (E-4899)	790.3335	am	(P-4782) (E-4899)
790.2020	am	(P-4782) (E-4899)	790.3340	am	(P-4782) (E-4899)
790.2060	am	(P-8329) (E-8571)	790.3420	am	(P-4782) (E-4899)
790.2097	am	(P-4782) (E-4899)	790.3437	am	(P-4782) (E-4899)
790.2100	am	(P-4782) (E-4899)			(P-8329) (E-8571)
790.2140	am	(P-4782) (E-4899)	790.3472	am	(P-4782) (E-4899)
790.2155	am	(P-4782) (E-4899)	790.3480	n	(P-4782) (E-4899)
790.2180	am	(P-4782) (E-4899)	790.3492	am	(P-4782) (E-4899)
790.2260	am	(P-4782) (E-4899)	790.3495	n	(P-4782) (E-4899)
790.2380	am	(P-4782) (E-4899)	790.3540	am	(P-4782) (E-4899)
790.2390	am	(P-4782) (E-4899)	790.3620	am	(P-4782) (E-4899)
790.2470	am	(P-4782) (E-4899)	790.3700	am	(P-4782) (E-4899)
790.2485	am	(P-4782) (E-4899)	790.3742	am	(P-4782) (E-4899)
		(P-15943/91; A-5941;	790.3780	am	(P-4782) (E-4899)
		C-7512)	790.3860	am	(P-4782) (E-4899)
790.2500	am	(P-4782) (E-4899)	790.3875	n	(P-4782) (E-4899)
790.2510	am	(P-4782) (E-4899)	790.3907	am	(P-4782) (E-4899)
790.2540	am	(P-4782) (E-4899)	790.3910	am	(P-4782) (E-4899)
790.2580	am	(P-15943/91; A-5941;			(P-15943/91; A-5941;
		C-7512) (P-4782)			C-7512)
		(E-4899)	790.3940	am	(P-4782) (E-4899)
790.2603	am	(P-15943/91; A-5941;	790.3945	am	(P-4782) (E-4899)
		C-7512)			(P-8329) (E-8571)
790.2605	am	(P-4782) (E-4899)	790.3980	am	(P-4782) (E-4899)
790.2613	am	(P-15943/91; A-5941;	790.3996	am	(P-4782) (E-4899)
		C-7512) (P-4782)	790.4012	am	(P-4782) (E-4899)
		(E-4899)	790.4040	am	(P-4782) (E-4899)
790.2617	am	(P-4782) (E-4899)			(P-15943/91; A-5941;
790.2618	am	(P-4782) (E-4899)			C-7512)
790.2620	am	(P-4782) (E-4899)	790.4060	am	(P-4782) (E-4899)
790.2661	am	(P-4782) (E-4899)	790.4100	am	(P-4782) (E-4899)
790.2780	am	(P-4782) (E-4899)	790.4140	am	(P-4782) (E-4899)
790.2805	am	(P-15943/91; A-5941;			(P-8329) (E-8571)
		C-7512) (P-8329)	790.4173	am	(P-4782) (E-4899)
		(E-8571)	790.4180	am	(P-4782) (E-4899)
790.2900	am	(P-4782) (E-4899)	790.4220	am	(P-4782) (E-4899)
790.2902	am	(P-4782) (E-4899)	790.4260	am	(P-4782) (E-4899)
790.2904	am	(P-4782) (E-4899)	790.4300	am	(P-4782) (E-4899)
790.2980	am	(P-4782) (E-4899)	790.4385	am	(P-4782) (E-4899)
790.3020	am	(P-4782) (E-4899)	790.4386	am	(P-4782) (E-4899)
790.3021	am	(P-4782) (E-4899)	790.4396	am	(P-4782) (E-4899)
790.3027	am	(P-15943/91; A-5941;	790.4398	am	(P-4782) (E-4899)
790.3029	am	(P-4782) (E-4899)	790.4420	am	(P-4782) (E-4899)



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790.4580	am	790.7265	am
790.4620	am	790.7280	am
790.4660	am	790.7291	am
790.4670	am	790.7296	am
790.4680	am	790.7380	am
790.4700	am	790.7400	am
790.4720	am	790.7420	am
790.4740	am	790.7500	am
790.4780	am	790.7510	am
790.4840	am	790.7540	am
790.4860	am	790.7580	am
790.4900	am	790.7700	am
790.4965	am	790.7740	am
790.4980	am	790.7820	am
790.5060	am	790.7828	am
790.5100	am	790.7834	am
790.5140	am	790.7860	am
790.5180	am	790.7940	am
790.5220	am	790.7980	am
790.5300	am	790.8015	am
790.5312	am	790.8020	am
790.5320	am	790.8030	am
790.5380	am	790.8106	am
790.5420	am	790.8136	am
790.5483	am	790.8248	am
790.5500	am	790.8300	am
790.5520	am	790.8420	am
790.5540	am	790.8540	am
790.5620	am	790.8580	am
790.5640	am		
790.5700	am		
790.5740	am		
790.5788	n		
790.5792	am		
790.5802	am		
790.5807	am		
790.5820	am		
790.5830	am		

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790.5872	am	(P-4782) (E-4899)
790.5900	am	(P-4782) (E-4899)
790.5940	am	(P-4782) (E-4899)
790.5980	am	(P-4782) (E-4899)
790.6020	r	(P-4782) (E-4899)
790.6140	am	(P-4782) (E-4899)
790.6180	am	(P-8329) (E-8571)
790.6260	am	(P-4782) (E-4899)
790.6275	am	(P-4782) (E-4899)
790.6277	am	(P-4782) (E-4899)
790.6280	r	(P-8329) (E-8571)
790.6300	am	(P-4782) (E-4899)
790.6340	am	(P-4782) (E-4899)
790.6370	am	(P-4782) (E-4899)
790.6375	am	(P-15943/91; A-5941; C-7512) (P-8329) (E-8571)
790.6420	am	(P-4782) (E-4899)
790.6430	am	(P-8329) (E-8571)
790.6452	am	(P-4782) (E-4899)
790.6456	am	(P-4782) (E-4899)
790.6460	am	(P-4782) (E-4899)
790.6500	am	(P-4782) (E-4899)
790.6540	am	(P-4782) (E-4899)
790.6570	r	(P-4782) (E-4899)
790.6580	am	(P-4782) (E-4899)
790.6610	am	(P-8329) (E-8571)
790.6670	am	(P-4782) (E-4899)
790.6780	am	(P-4782) (E-4899)
790.6800	am	(P-8329) (E-8571)
790.6820	am	(P-4782) (E-4899)
790.6860	am	(P-4782) (E-4899)
790.6875	am	(P-4782) (E-4899)
790.6885	am	(P-4782) (E-4899)
790.6895	am	(P-4782) (E-4899)
790.6940	am	(P-4782) (E-4899)
790.6960	am	(P-4782) (E-4899)
790.6980	am	(P-4782) (E-4899)
790.7100	am	(P-4782) (E-4899)
790.7120	am	(P-4782) (E-4899)
790.7130	am	(P-8329) (E-8571)
790.7140	am	(P-4782) (E-4899)
790.7180	am	(P-4782) (E-4899)
790.7229	am	(P-4782) (E-4899)
790.7260	am	(P-4782) (E-4899)
790.7263	n	(P-4782) (E-4899)



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TITLE 77 (CONT'D)			1230.260	(P-5187)
830.890	am	(P-2092)	1230.310	r
830.900	am	(P-2092)	1230.320	r
840.20	am	(P-4329)	1230.410	r
840.115	am	(P-4329)	1230.420	r
840.210	am	(P-4329)	1230.420	r
840.215	am	(P-4329)	1230.Tb.A	r
840.305	am	(P-4329)	1230.Tb.B	r
840.310	am	(P-4329)	1240.10	r
840.Ap.B	am	(P-4329)	1240.20	r
.Ex.A	am	(P-4329)	1240.30	r
.Il. A	r	(P-4329)	1240.40	r
.Ex.B	n	(P-4329)	1240.50	r
.Il. B	r	(P-4329)	1240.60	r
840.Ap.C	am	(P-4329)	1240.70	r
.Ex.B	am	(P-4329)	1240.Ap.A	r
905.15	am	(P-8128)	2030.10	n
905.100	am	(P-8128)	2030.10	n
1120.10	n	(P-5205)	2030.20	n
1120.110	n	(P-5205)	2030.20	r
1120.120	n	(P-5205)	2030.30	r
1120.130	n	(P-5205)	2030.40	n
1120.210	n	(P-5205)	2030.50	r
1120.310	n	(P-5205)	2030.100	n
1120.Ap.A	n	(P-5205)	2030.105	n
1130.140	am	(P-4755)	2030.107	n
1130.220	am	(P-4755)	2030.110	r
1130.410	am	(P-4755)	2030.110	n
1130.510	am	(P-4755)	2030.115	n
1130.620	am	(P-4755)	2030.120	r
1130.630	am	(P-4755)	2030.120	n
1130.640	am	(P-4755)	2030.130	r
1130.710	am	(P-4755)	2030.130	n
1130.720	am	(P-4755)	2030.140	n
1130.730	am	(P-4755)	2030.150	n
1130.740	am	(P-4755)	2030.160	n
1130.760	am	(P-4755)	2030.210	r
1130.770	am	(P-4755)	2030.210	n
1130.780	am	(P-4755)	2030.220	r
1190.30	am	(P-3063)	2030.220	n
1230.10	r	(P-5187)	2030.230	r
1230.20	r	(P-5187)	2030.230	n
1230.30	r	(P-5187)	2030.310	n
1230.110	r	(P-5187)	2030.310	n
1230.120	r	(P-5187)	2030.320	r
1230.210	r	(P-5187)	2030.320	n
1230.220	r	(P-5187)	2030.330	r
1230.230	r	(P-5187)	2030.330	n
1230.240	r	(P-5187)	2030.340	r
1230.250	r	(P-5187)	2030.340	n

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TITLE 77 (CONT'D)			2030.950	r	(P-9153/91; A-2530)
2030.350	r	(P-9153/91; A-2530)	2030.960	r	(P-9153/91; A-2530)
2030.350	n	(P-9083/91; A-2457)	2030.970	r	(P-9153/91; A-2530)
2030.360	n	(P-9083/91; A-2457)	2030.980	r	(P-9153/91; A-2530)
2030.410	r	(P-9153/91; A-2530)	2030.1010	r	(P-9153/91; A-2530)
2030.410	n	(P-9083/91; A-2457)	2030.1010	n	(P-9083/91; A-2457)
2030.420	r	(P-9153/91; A-2530)	2030.1020	r	(P-9153/91; A-2530)
2030.420	n	(P-9083/91; A-2457)	2030.1020	n	(P-9083/91; A-2457)
2030.430	r	(P-9153/91; A-2530)	2030.1030	r	(P-9153/91; A-2530)
2030.430	n	(P-9083/91; A-2457)	2030.1030	n	(P-9083/91; A-2457)
2030.440	r	(P-9153/91; A-2530)	2030.1040	r	(P-9153/91; A-2530)
2030.440	n	(P-9083/91; A-2457)	2030.1040	n	(P-9083/91; A-2457)
2030.450	r	(P-9153/91; A-2530)	2030.1050	r	(P-9083/91; A-2457)
2030.450	n	(P-9083/91; A-2457)	2030.1060	r	(P-9083/91; A-2457)
2030.510	r	(P-9153/91; A-2530)	2030.1070	n	(P-9083/91; A-2457)
2030.510	n	(P-9083/91; A-2457)	2030.1080	r	(P-9083/91; A-2457)
2030.520	r	(P-9153/91; A-2530)	2030.1090	r	(P-9083/91; A-2457)
2030.520	n	(P-9083/91; A-2457)	2030.1110	r	(P-9153/91; A-2530)
2030.530	r	(P-9083/91; A-2457)	2030.1110	n	(P-9083/91; A-2457)
2030.540	r	(P-9083/91; A-2457)	2030.1120	r	(P-9153/91; A-2530)
2030.550	n	(P-9083/91; A-2457)	2030.1120	n	(P-9083/91; A-2457)
2030.610	r	(P-9153/91; A-2530)	2030.1130	r	(P-9153/91; A-2530)
2030.610	n	(P-9083/91; A-2457)	2030.1140	r	(P-9153/91; A-2530)
2030.620	r	(P-9153/91; A-2530)	2030.1140	n	(P-9083/91; A-2457)
2030.630	r	(P-9153/91; A-2530)	2030.1150	n	(P-9083/91; A-2457)
2030.640	r	(P-9153/91; A-2530)	2030.1160	n	(P-9083/91; A-2457)
2030.710	r	(P-9153/91; A-2530)	2030.1205	n	(P-9083/91; A-2457)
2030.710	n	(P-9083/91; A-2457)	2030.1210	r	(P-9153/91; A-2530)
2030.720	r	(P-9153/91; A-2530)	2030.1210	n	(P-9083/91; A-2457)
2030.720	n	(P-9083/91; A-2457)	2030.1215	n	(P-9083/91; A-2457)
2030.730	r	(P-9153/91; A-2530)	2030.1220	r	(P-9153/91; A-2530)
2030.740	r	(P-9153/91; A-2530)	2030.1225	n	(P-9083/91; A-2457)
2030.740	n	(P-9083/91; A-2457)	2030.1230	r	(P-9153/91; A-2530)
2030.750	r	(P-9153/91; A-2530)	2030.1230	n	(P-9083/91; A-2457)
2030.760	r	(P-9153/91; A-2530)	2030.1240	r	(P-9153/91; A-2530)
2030.760	n	(P-9083/91; A-2457)	2030.1245	n	(P-9083/91; A-2457)
2030.810	r	(P-9153/91; A-2530)	2030.1250	r	(P-9153/91; A-2530)
2030.810	n	(P-9083/91; A-2457)	2030.1250	n	(P-9083/91; A-2457)
2030.820	r	(P-9153/91; A-2530)	2030.1255	r	(P-9083/91; A-2457)
2030.820	n	(P-9083/91; A-2457)	2030.1260	r	(P-9153/91; A-2530)
2030.830	n	(P-9153/91; A-2530)	2030.1265	n	(P-9083/91; A-2457)
2030.840	n	(P-9083/91; A-2457)	2030.1270	r	(P-9153/91; A-2530)
2030.850	n	(P-9083/91; A-2457)	2030.1310	r	(P-9153/91; A-2530)
2030.910	r	(P-9153/91; A-2530)	2030.1310	n	(P-9083/91; A-2457)
2030.910	n	(P-9083/91; A-2457)	2030.1320	r	(P-9153/91; A-2530)
2030.920	r	(P-9153/91; A-2530)	2030.1320	n	(P-9083/91; A-2457)
2030.930	r	(P-9153/91; A-2530)	2030.1330	r	(P-9153/91; A-2530)
2030.940	r	(P-9153/91; A-2530)	2030.1340	r	(P-9153/91; A-2530)



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TITLE 80 (CONT'D)		TITLE 86	
.Tb.C	am	(P-342; A-8382)	757.120
.Tb.D	am	(P-342; A-8382)	757.125
.Tb.E	am	(P-342; A-8382)	757.130
.Tb.F	am	(P-342; A-8382)	757.200
.Tb.G	am	(P-342; A-8382)	757.205
.Tb.H	am	(P-342; A-8382)	757.210
.Tb.I	am	(P-342; A-8382)	757.215
.Tb.J	am	(P-342; A-8382)	757.220
.Tb.K	am	(P-342; A-8382)	757.225
.Tb.L	am	(P-342; A-8382)	757.230
.Tb.M	am	(P-342; A-8382)	757.235
.Tb.N	am	(P-342; A-8382)	757.240
.Tb.O	am	(P-342; A-8382)	757.245
.Tb.P	am	(P-342; A-8382)	757.250
.Tb.Q	am	(P-342; A-8382)	757.255
.Tb.R	am	(P-342; A-8382)	757.260
.Tb.S	am	(P-342; A-8382)	757.265
.Tb.T	am	(P-342; A-8382)	757.270
.Tb.U	am	(P-342; A-8382)	757.275
.Tb.V	am	(P-342; A-8382)	757.280
.Tb.W	am	(P-342; A-8382)	757.285
.Tb.X	am	(P-342; A-8382)	757.290
.Tb.Y	am	(P-342; A-8382)	757.295
.Tb.Z	am	(P-342; A-8382)	757.300
310.Ap.B	am	(P-12051/91; A-3450)	757.305
1120.80	am	(P-5554; E-6052)	757.310
1540.80	am	(P-7325)	757.315
1540.90	am	(P-7325)	757.320
1540.100	am	(P-7325)	757.325
1540.130	am	(P-7325)	757.330
2650.10	am	(P-3235)	757.335
2650.25	am	(P-3235)	757.340
2800.410	am	(P-7079)	757.345
2800.650	am	(P-15199/91; A-4831)	757.350
TITLE 83		TITLE 86	
110.10	am	(P-18018/91; A-7654)	100.3700
110.30	am	(P-18018/91; A-7654)	100.9920
200.715	am	(P-1936; W-7737)	110.190
275.20	am	(P-8269)	130.310
305.20	am	(P-16538/91; A-6180)	180.101
410.360	am	(P-11899/91; A-2544)	180.130
440.200	am	(P-6533)	180.140
445.40	am	(P-11025/91; A-2535)	180.145
445.50	am	(P-11025/91; A-2535)	190.101
445.70	am	(P-11025/91; A-2535)	190.110
500.335	am	(P-11025/91; A-2535)	190.120
535.100	am	(P-11025/91; A-2535)	190.170
757.10	am	(P-6542)	190.175
757.15	am	(P-6542)	295.101
757.100	am	(P-6542)	295.105
757.105	am	(P-6542)	295.110
757.110	am	(P-6542)	295.115
757.115	am	(P-6542)	295.120
	am	(P-6542)	430.110
	am	(P-6542)	430.125
	am	(P-6542)	430.160
	am	(P-6542)	435.120
	am	(P-6542)	435.140
	am	(P-6542)	435.160

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TITLE 77 (CONT'D)			TITLE 80		
2030.1350	r	(P-9153/91; A-2530)	2056.610	am	(P-4567)
2031.10	r	(P-9149/91; A-2455)	2056.615	r	(P-4567)
2032.10	r	(P-9218/91; A-2533)	2056.620	n	(P-4567)
2032.15	r	(P-9218/91; A-2533)	2056.625	n	(P-4567)
2032.20	r	(P-9218/91; A-2533)	2056.630	n	(P-4567)
2032.25	r	(P-9218/91; A-2533)	2056.635	n	(P-4567)
2032.30	r	(P-9218/91; A-2533)	2056.640	n	(P-4567)
2032.35	r	(P-9218/91; A-2533)	2056.645	n	(P-4567)
2032.40	r	(P-9218/91; A-2533)	2056.650	n	(P-4567)
2032.45	r	(P-9218/91; A-2533)	2056.655	n	(P-4567)
2032.50	r	(P-9218/91; A-2533)	2056.660	n	(P-4567)
2032.55	r	(P-9218/91; A-2533)	2056.705	am	(P-4567)
2032.60	r	(P-9218/91; A-2533)	2090.20	am	(P-5104)
2056.1	am	(P-4567)	2090.70	am	(P-5104)
2056.5	am	(P-4567)	2090.70	am	(P-5104)
2056.15	am	(P-4567)	2090.100	am	(P-5104)
2056.20	am	(P-4567)	2510.50	am	(P-17444/91; A-8980)
2056.25	am	(P-4567)	2510.60	am	(P-17444/91; A-8980)
2056.50	am	(P-4567)	2510.70	am	(P-17444/91; A-8980)
2056.55	am	(P-4567)	.Ap.B	am	(P-17444/91; A-8980)
2056.60	am	(P-4567)	.Ap.C	am	(P-17444/91; A-8980)
2056.61	am	(P-4567)			
2056.65	#	(P-4567)			
2056.70	#	(P-4567)			
2056.75	am	(P-4567)	150.410	am	(P-4360)
2056.210	am	(P-4567)	150.420	am	(P-4360)
2056.215	am	(P-4567)	150.430	am	(P-4360)
2056.301	#	(P-4567)	302.80	am	(P-336; A-8375)
2056.301	am	(P-4567)	302.822	am	(P-8675)
2056.303	#	(P-4567)	303.102	am	(P-327; A-8368)
2056.303	am	(P-4567)	303.115	n	(P-327; A-8368)
2056.305	am	(P-4567)	303.125	am	(P-327; A-8368)
2056.310	am	(P-4567)	303.175	n	(P-327; A-8368)
2056.315	am	(P-4567)	303.290	am	(P-327; A-8368)
2056.320	am	(P-4567)	303.385	n	(P-327; A-8368)
2056.325	am	(P-4567)	304.51	n	(P-334)
2056.330	am	(P-4567)	310.100	am	(P-342; A-8382)
2056.405	am	(P-4567)			(E-711)
2056.410	am	(P-4567)	310.110	am	(P-12051/91; A-3450)
2056.415	am	(P-4567)	310.130	am	(P-12051/91; A-3450)
2056.420	am	(P-4567)	310.230	am	(P-342; A-8382)
2056.500	am	(P-4567)	310.280	am	(P-12051/91; A-3450)
2056.505	am	(P-4567)	310.290	am	(P-12051/91; A-3450)
2056.510	r	(P-4567)			(P-6521) (E-6888)
2056.525	am	(P-4567)	310.490	am	(E-8239)
2056.600	am	(P-4567)			(P-342; A-8382)
2056.601	n	(P-4567)	310.Ap.A	am	(E-711)
2056.603	n	(P-4567)			(P-342; A-8382)
2056.605	am	(P-4567)	.Tb.A	am	(PP-5068; RC-6899)
2056.607	n	(P-4567)	.Tb.B	am	(PP-7056)







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TITLE 89 (CONT'D)	am	(P-15928/91; A-6255)	240.800	(E-2901)	am	337.50	(P-7999)
148.320	am	(P-15928/91; A-6255)	240.810	(E-2901)	am	337.60	(P-7999)
148.400	n	(P-15928/91; A-6255)	240.825	(E-2901)	am	337.70	(P-7999)
149.5	am	(P-15931/91; A-6195)	240.855	(E-2901)	am	337.80	(P-7999)
149.25	am	(P-15931/91; A-6195)	240.1600	(P-4087)	am	337.90	(P-7999)
149.50	am	(P-15931/91; A-6195)	240.1605	(P-4087)	am	337.100	(P-7999)
149.75	am	(P-15931/91; A-6195)	240.1610	(P-4087)	am	337.110	(P-7999)
149.100	am	(P-15931/91; A-6195)	240.1620	(P-4087)	am	337.120	(P-7999)
149.105	am	(P-15931/91; A-6195)	240.1625	(P-4087)	am	337.130	(P-7999)
149.125	am	(P-15931/91; A-6195)	240.1630	(P-4087)	am	337.140	(P-7999)
149.150	am	(P-15931/91; A-6195)	240.1635	(P-4087)	am	337.150	(P-7999)
149.175	r	(P-15931/91; A-6195)	240.1640	(P-4087)	am	337.160	(P-7999)
149.200	r	(P-15931/91; A-6195)	240.1645	(P-4087)	am	337.170	(P-7999)
149.205	r	(P-15931/91; A-6195)	240.1650	(P-4087)	am	337.180	(P-7999)
149.225	r	(P-15931/91; A-6195)	240.1655	(P-4087)	am	337.190	(P-7999)
149.250	r	(P-15931/91; A-6195)	240.1660	(P-4087)	am	337.200	(P-7999)
149.275	r	(P-15931/91; A-6195)	240.1661	(P-4087)	am	337.210	(P-7999)
149.300	r	(P-15931/91; A-6195)	240.1665	(P-4087)	am	337.220	(P-7999)
149.305	r	(P-15931/91; A-6195)	302.20	(P-7565)	am	337.230	(P-7999)
149.325	r	(P-15931/91; A-6195)	304.2	(P-7545)	am	337.240	(P-7999)
150.10	n	(E-2258)	305.10	(P-5403)	#	337.250	(P-7999)
150.20	n	(E-2258)	305.20	(P-5403)	am	352.4p.A	(P-13229/91; A-3924)
150.30	n	(E-2258)	305.30	(P-5403)	am	377.2	(P-7553)
150.40	n	(E-2258)	305.40	(P-5403)	#	377.4	(P-7553)
150.50	n	(E-2258)	305.50	(P-5403)	am	378.1	(P-7561)
150.60	n	(E-2258)	305.60	(P-5403)	am	378.2	(P-7561)
160.5	am	(P-806/91; A-1852)	305.70	(P-5403)	am	378.3	(P-7561)
160.10	am	(P-806/91; A-1852)	305.80	(P-5403)	am	378.4	(P-7561)
160.20	am	(P-806/91; A-1852)	305.90	(P-5403)	am	406.2	(E-15088/91; M-2269)
160.30	am	(P-2406; A-9997)	305.100	(P-5403)	am	406.4	(P-14734/91; A-7602)
160.77	n	(P-8892)	305.110	(P-5403)	#	406.5	(P-14734/91; A-7602)
160.85	n	(P-8892)	305.120	(P-5403)	#	406.6	(P-14734/91; A-7602)
230.45	am	(P-3605)	305.130	(P-5403)	am	406.7	(P-14734/91; A-7602)
230.570	am	(P-3605)	305.140	(P-5403)	#	406.8	(P-14734/91; A-7602)
240.400	am	(E-2630)	309.1	(P-7982)	r	406.9	(P-14734/91; A-7602)
240.415	am	(E-2630)	309.2	(P-7982)	r	406.10	(P-14734/91; A-7602)
240.430	am	(P-17007/91; M-2930)	309.3	(P-7982)	r	406.11	(P-14734/91; A-7602)
		(E-1739/91; S-1744;	309.4	(P-7982)	r	406.12	(P-14734/91; A-7602)
		W-2955; M-2943)	309.5	(P-7982)	r	406.13	(P-14734/91; A-7602)
240.435	am	(P-17007/91; M-2930)	309.6	(P-7982)	r	406.14	(P-14734/91; A-7602)
		(E-17398/91; S-1744;	309.7	(P-7982)	r	406.22	(P-14734/91; A-7602)
		W-2955; M-2943)	309.8	(P-7982)	r	406.24	(P-14734/91; A-7602)
240.655	am	(E-4069; RC-6898)	309.9	(P-7982)	r	407.29	(P-14734/91; A-7597)
240.720	am	(P-17007/91; M-2930)	309.10	(P-7982)	r	408.5	(P-14764/91; A-8950)
		(E-17398/91; S-1744;	309.11	(P-7982)	r	408.7	(P-14764/91; A-8950)
		W-2955; M-2943)	309.12	(P-7982)	r	408.20	(P-14764/91; A-8950)
		(E-2901)	309.13	(P-7982)	r	408.30	(P-14764/91; A-8950)
240.725	am	(P-17007/91; M-2930)	309.14	(P-7982)	r	408.40	(P-14764/91; A-8950)
		(E-17398/91; S-1744;	309.15	(P-7982)	r	408.50	(P-14764/91; A-8950)
		W-2955; M-2943)(2901)	309.16	(P-7982)	r	408.60	(P-14764/91; A-8950)
240.726	n	(E-2630)	309.17	(P-7982)	r		







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530.500	n	(P-2940/91; A-2193)	1070.40	am	(P-15428/91; A-2172)
530.501	r	(P-3003/91; A-2256)	1309.10	n	(P-3238)
530.502	r	(P-3003/91; A-2256)	1309.20	n	(P-3238)
530.503	r	(P-3003/91; A-2256)	1309.30	n	(P-3238)
530.510	n	(P-2940/91; A-2193)	1311.10	n	(P-4195/91; W-2942)
530.520	n	(P-2940/91; A-2193)	1440.20	am	(P-5139)
530.530	n	(P-2940/91; A-2193)	TITLE 95		
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530.602	r	(P-3003/91; A-2256)	121.20	n	(P-561; A-7707)
530.603	r	(P-3003/91; A-2256)	121.30	n	(P-561; A-7707)
530.610	n	(P-2940/91; A-2193)	121.40	n	(P-561; A-7707)
530.700	n	(P-2940/91; A-2193)	121.50	n	(P-561; A-7707)
530.701	r	(P-3003/91; A-2256)	121.60	n	(P-561; A-7707)
530.702	r	(P-3003/91; A-2256)	121.70	n	(P-561; A-7707)
530.710	n	(P-2940/91; A-2193)	121.80	n	(P-561; A-7707)
530.800	n	(P-2940/91; A-2193)	121.90	n	(P-561; A-7707)
530.801	r	(P-3003/91; A-2256)	121.100	n	(P-561; A-7707)
530.802	r	(P-3003/91; A-2256)	121.110	n	(P-561; A-7707)
530.803	r	(P-3003/91; A-2256)	121.120	n	(P-561; A-7707)
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530.810	n	(P-2940/91; A-2193)	121.140	n	(P-561; A-7707)
530.820	n	(P-2940/91; A-2193)	121.150	n	(P-561; A-7707)
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530.902	r	(P-3003/91; A-2256)	121.200	n	(P-561; A-7707)
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530.904	r	(P-3003/91; A-2256)	121.220	n	(P-561; A-7707)
530.905	r	(P-3003/91; A-2256)	121.230	n	(P-561; A-7707)
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